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JOURNAL OF THE SENATE,

FOR THE TWELFTH SESSION

OF THE

GENERAL ASSEMBLY

OF THE

STATE OF ARKANSAS,

WHICH WAS BEGUN AND HELD IN THE CAPITOL, IN THE CITY OF LITTLE
ROCK, ON MONDAY THE FIRST DAY OF NOVEMBER, ONE
THOUSAND, EIGHT HUNDRED AND FIFTY-EIGHT, AND ENDED
ON MONDAY THE TWENTY-FIRST DAY OF FEB'Y,
ONE THOUSAND, EIGHT HUNDRED
AND FIFTY-NINE.

LITTLE ROCK:
JOHNSON & YERKES, STATE PRINTERS.
1859.

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SENATE JOURNAL.

MONDAY, *November* 1*st*, 1858.

This being the day fixed by the constitution of the State of Arkansas, for the meeting of the General Assembly thereof, and a *quorum* of Senators appearing in their chamber, in the capitol of the state, the Senate proceeded to organize.

Hon. John R. Hampton took the chair and called the Senate to order, and John D. Kimbell acted as secretary.

The roll was called and the following Senators answered to their names:

W. W. Floyd, from the counties of Johnson and Pope.

R. M. Gaines, from the counties of Chicot, Drew and Ashley.

W. H. Hammond, from the counties of Saline, Hot Spring and Montgomery.

John R. Hampton, from the counties of Dallas and Bradley.

J. P. Humphreys, from the counties of Crawford and Franklin.

W. B. Marshall, from the counties of Lawrence and Fulton.

F. P. Redmond, from the counties of Phillips and Monroe.

Simeon E. Rosson, from the counties of Van Buren and Izard.

John I. Stirman, from the counties of Conway, Perry and Yell.

J. S. Trimble from the county of Independence.

W. W. Watkins, from the counties of Carroll and Newton.

The following communication, from the secretary of state, to the Senate, containing an official list of the Senators elected at the August election of 1858, was received and read by the secretary, to-wit:

OFFICE OF THE SECRETARY OF STATE,
Little Rock, Nov. 1st., 1858.

As required by law, I have the honor to lay before the Senate the following list of members, elected to that branch of the present General Assembly of the State of Arkansas.

DAVID B. GREER,
Secretary of State.

From the county of Washington, Bryan H. Smithson.

From the counties of Benton and Madison, M. Douglas.

From the counties of Marion and Searcy, D. C. Williams.

From the counties of White and Jackson, Decius McCreery.

From the counties of Randolph and Green, James F. Davies.

From the counties of Mississippi and Crittenden, Thomas B. Craighead.

From the counties of Jefferson, Arkansas and Desha, Thomas Fletcher.

From the counties of Pulaski and Prairie, Francis A. Terry.

From the counties of Ouachita and Calhoun, Joseph B. McColloch.

From the counties of Union and Columbia, J. H. Askew.

From the counties of Clark, Polk and Pike, A. A. Pennington.

From the counties of Hempstead, Sevier and Lafayette, A. H. Carrigan.

From the counties of St. Francis and Poinsett, the returns first made show that William A. Jones was elected, but the corrected returns show that P. Van Patten had a majority.

The above named Senators elect, except Messrs. Askew, Craighead and Pennington, then came forward, presented their credentials, and after receiving the oath of office, which was administered by Hon. C. C. Scott, Judge of the Supreme Court, took their respective seats.

Hon. William A. Jones, appeared, presented his credentials and was permitted to take the oath of office and occupy a seat in the Senate.

The chair announced that nominations for President of the Senate were in order.

Whereupon, Mr. Redmond nominated Hon. Thomas Fletcher, of Arkansas county.

No other nomination being made, the roll was called, when it appeared that Mr. Fletcher had received twenty-one votes, and Mr. Floyd one vote.

The following Senators voted for Mr. Fletcher, viz:

Messrs. Carrigan, Clark, Davies, Douglas, Floyd, Gaines, Hammond, Hampton, Humphreys, Jones, Marshall, McCreery, McColloch, Redmond, Rosson, Smithson, Stirman, Terry, Trimble, Watkins and Williams—21.

Mr. Fletcher voted for Mr. Floyd.

The chair announced that Hon. Thomas Fletcher, having received a majority of all the votes given, was duly elected President of the Senate, for and during the time prescribed by law.

Mr. Fletcher, having been conducted to the chair by Messrs. Floyd and Redmond, returned his thanks to the Senate for the honor conferred upon him, took the oath of office, which was administered by Hon. C. C. Scott, and entered upon the discharge of his duties as President of the Senate.

Mr. Gaines moved that the Senate proceed to elect a secretary. Which motion prevailed, and thereupon, Mr. Gaines nominated John D. Kimbell, of Pulaski county.

No other nomination was made, and the roll being called, it appeared that John D. Kimbell, had received the following vote:

Messrs. Carrigan, Clark, Davies, Douglas, Floyd, Gaines, Hammond, Hampton, Humphreys, Jones, Marshall, McCreery, McColloch, Redmond, Rosson, Smithson, Stirman, Terry, Trimble, Watkins, Williams and Mr. President—22.

Whereupon, the President announced that John D. Kimbell, having received the entire vote of the Senate, was duly elected secretary thereof, for and during the time prescribed by law, and thereupon he took the oath of office, which was administered by Hon. C. C. Scott, and entered upon the discharge of his official duties.

Mr. Redmond moved that the Senate proceed to elect an assistant secretary, which motion prevailed, and thereupon, Mr. Redmond nominated William A. Erwin, of Phillips county.

No other nomination being made, the roll was called, when it appeared that Mr. Erwin had received the following vote, to-wit:

Messrs. Carrigan, Clark, Davies, Douglas, Floyd, Gaines, Hammond, Hampton, Humphreys, Jones, Marshall, McCreery, McColloch, Redmond, Rosson, Smithson, Stirman, Terry, Trimble, Watkins, Williams and Mr. President—22.

Whereupon, the President announced that William A. Erwin, having received the unanimous vote of the Senate, was duly elected assistant secretary thereof, and having received the oath of office, which was administered by Hon. C. C. Scott, he entered upon the performance of his official duties.

On motion of Mr. Rosson it was resolved that the Senate now proceed to the election of an enrolling secretary.

Mr. Floyd nominated B. F. Owen, of Pulaski county.

No other nomination being made, the roll was called, when it appeared that B. F. Owen had received the votes of the following Senators:

Messrs. Carrigan, Clark, Davies, Douglas, Floyd, Gaines, Hammond, Hampton, Humphreys, Jones, Marshall, McCreery, McColloch, Redmond, Rosson, Smithson, Stirman, Terry, Trimble, Watkins, Williams and Mr. President—22.

Whereupon the President announced that B. F. Owen, having received all the votes given, was duly elected enrolling secretary of the Senate; and having taken the oath of office, which was administered by Hon. C. C. Scott, he entered upon his official duties.

On motion of Mr. Rosson, the Senate proceeded to elect a door-keeper.

Mr. Humphreys nominated Joseph Jester, of Hot Spring county.

No other nomination being made, the roll was called, when it appeared that Mr. Jester had received the votes of the following senators:

Messrs. Carrigan, Clark, Davies, Douglas, Floyd, Gaines, Hammond, Hampton, Humphreys, Jones, Marshall, McCreery, McColloch, Redmond, Rosson, Smithson, Stirman, Terry, Trimble, Watkins, Williams and Mr. President—22.

Whereupon the President announced that Joseph Jester, having received the entire vote of the Senate, was duly elected door-keeper thereof.

The oath of office was then administered to Mr. Jester, by Hon. C. C. Scott, and he entered upon the discharge of his duties as door-keeper of the Senate.

Mr. Humphreys offered the following

RESOLUTION:

Resolved, That the secretary inform the House that the Senate have organized, and are now ready to proceed to business.

Which was read and adopted.

Mr. Hammond offered the following

RESOLUTION:

Resolved, That a committee of three be appointed on the part of the Senate, to join with a committee on the part of the House of Representatives, to wait on his excellency the governor, and inform him that the General Assembly are now organized and ready to receive any communication he may desire to make.

Which was read and adopted.

Mr. President appointed Messrs. Hammond, Hampton and Floyd, the committe on the part of the Senate.

Mr. Floyd offered the following

RESOLUTION:

Resolved, That the secretary of state furnish each senator with a copy of the new Digest and the acts and journals of the last session of the legislature, for use during the present session.

Which was read and adopted.

On motion of Mr. Humphreys the Senate adjourned until 10 o'clock to-morrow morning.

THOS. FLETCHER,
President.

TUESDAY, *November 2d*, 1858.

The Senate met pursuant to adjournment.

The roll was called and the following senators answered to their names:

Messrs. Carrigan, Clark, Davies, Douglas, Gaines, Hammond, Hampton, Humphreys, Jones, Marshall, McCreery, McColloch, Redmond, Rosson, Smithson, Stirman, Terry, Trimble, Watkins, Williams and Mr. President—21.

Hon. A. A. Pennington, one of the Senators elect, appeared, and having received the oath of office, which was administered by the President of the Senate, took his seat as a member thereof.

Mr. Floyd being absent when the roll was called, appeared and answered to his name.

The journal of yesterday was read, approved and signed.

Mr. Hampton offered the following

RESOLUTION:

Resolved, That the rules adopted by the Senate at the last session continue in force until other rules are adopted.

Which was read and adopted.

Mr. Carrigan offered the following

RESOLUTION:

Resolved, That the Senate will proceed, on to-morrow, to elect a Chaplain of the Senate, for the present session.

Which was read; and the question being upon the adoption of the resolution, Mr. Douglas called for the yeas and nays thereon, which being sustained, the call was ordered:

YEAS—Messrs. Carrigan, Clark, Floyd, Gaines, Hampton, Jones, McColloch, Pennington, Rosson, Stirman, Terry and Mr. President—12.

NAYS—Messrs. Davies, Douglas, Hammond, Humphreys, Marshall, McCreery, Redmond, Smithson, Trimble, Watkins and Williams—11.

So the resolution was adopted.

On motion of Mr. Stirman, the Senate reconsidered the vote on the adoption of the resolution to go into the election of a Chaplain to-morrow; and, thereupon, Mr. Stirman offered the following as a substitute for said

RESOLUTION:

Resolved, That the Senate *do now* go into the election of a Chaplain for this body during the present session.

Which was read; and, on a motion to lay the same upon the table, the yeas and nays were demanded, which being sustained, the roll was called:

YEAS—Messrs. Douglas, Humphreys, Jones, Marshall, McCreery, Trimble, Watkins and Williams—8.

NAYS—Messrs. Carrigan, Clark, Davies, Floyd, Gaines, Hammond, Hampton, McColloch, Pennington, Redmond, Rosson, Stirman, Terry and Mr. President—14.

So the resolution was not laid upon the table; but on motion of Mr. Stirman, the same was adopted.

The President then announced that nominations for Chaplain were in order.

Mr. Floyd nominated Rev. —— Boyd.

Mr. Gaines nominated Rev. T. Fraser.

Mr. Trimble nominated Rev. W. H. Gilliam.

Mr. Redmond nominated Rev. A. H. Kennedy.

Mr. Terry nominated Rev. John Carroll.

No other nominations being made the roll was called; when it appeared that Rev. —— Boyd had received *two* votes; Rev. T. Fraser *four* votes; Rev. W. H. Gilliam *two* votes; Rev. A. H. Kennedy *seven* votes, and Rev. John Carroll *six* votes.

Those Senators who voted for Rev. —— Boyd, are

Messrs. Floyd and Humphreys—2.

Those who voted for Rev. T. Fraser, are

Messrs. Carrigan, Gaines, Hammond and Hampton—4.

Those who voted for Rev. W. H. Gilliam, are

Messrs. Davies and Trimble—2.

Those who voted for Rev. A. H. Kennedy, are

Messrs. Clark, Jones, Pennington, Redmond, Smithson, Stirman and Mr. President—7.

Those who voted for Rev. John Carroll, are

Messrs. McCreery, McColloch, Rosson, Terry, Watkins and Williams—6.

Messrs. Douglas and Marshall asked to be, and were, excused from voting.

There being no election, Mr. Rosson offered the following

RESOLUTION:

Resolved, That the names of the persons receiving the smallest number of votes on each ballot for chaplain be dropped on every succeeding ballot.

Which was read and adopted; and the names of Rev. —— Boyd and Rev. W. H. Gilliam were thereby dropped.

Mr. Gaines withdrew the name of Rev. T. Fraser.

The roll was then called the second time, when it appeared that Rev. A. H. Kennedy had received *eleven* votes, and Rev. John Carroll *ten* votes.

Those Senators who voted for Rev. A. H. Kennedy, are

Messrs. Carrigan, Clark, Floyd, Hammond, Hampton, Humphreys, Pennington, Redmond, Smithson, Stirman and Mr. President—11.

Those who voted for Rev. John Carroll, are

Messrs. Davies, Gaines, Marshall, McCreery, McColloch, Rosson, Terry, Trimble, Watkins and Williams—10.

Mr. Douglas asked to be, and was, excused from voting; and Mr. Jones was not in his seat when the roll was called.

The President announced that Rev. A. H. Kennedy having received a majority of all the votes given, was duly elected Chaplain of the Senate for and during the present session.

Mr. Clark moved that a committee of three or more, be appointed to wait upon the Rev. A. H. Kennedy, and inform him of his election to the office of Chaplain of the Senate.

Which motion prevailed; and Messrs. Clark, Stirman and Redmond were appointed such committee.

Mr. Humphreys offered the following

RESOLUTION:

Resolved, That the editors of this state are requested to take seats in the Senate Chamber, for the purpose of reporting the proceedings thereof.

On motion of Mr. Rosson, said resolution was amended by striking out the word "requested," and inserting the word *permitted* in lieu thereof.

On motion of Mr. Douglas, the resolution was further amended by inserting the words *and their reporters*, after the words " editors of this state."

The resolution, as amended, was then adopted.

Mr. Humphrey gave notice that he would, on to-morrow, introduce a bill to redeem certain state bonds, not now due, to put the State Bank in operation, at what the same are now worth in market, and to make appropriation therefor.

Mr. Clark introduced Senate joint resolution No. 1, to-wit:

Resolved, That the President appoint a committee of three on the part of the Senate, to act in connection with such committee as may be appointed on the part of the House of Representatives, to investigate and report on the landed interests of the state, and that said committee have power to send for books and papers, and if necessary, to employ a clerk.

Which was read the first time, and passed to the second reading, under the rule.

Mr. Hammond offered the following

RESOLUTION:

Resolved, That twenty-five numbers of the " True Democrat" and a like number of the " Gazette and Democrat," be furnished the Senate for the use of its members during the present session.

Which was read; when Mr. Redmond moved to strike out the words " and a like number of the Gazette and Democrat.

After some discussion, Mr. Hammond, on leave, withdrew his resolution.

Mr. Hampton gave notice that he would, on to-morrow introduce a bill to be entitled an act to distribute the new Digest of the Statutes of Arkansas.

Mr. Rosson offered the following joint

RESOLUTION:

Resolved, That a committee of three be appointed on the part of the Senate, to act in conjunction with such committee as may be appointed on the part of the House of Representatives, to prepare rules and joint rules for the government of the two houses during the present session of the General Assembly.

Which was read and adopted; and thereupon Messrs. Rosson, Hampton and Marshall were appointed such committee on the part of the Senate.

Mr. Redmond gave notice that he would, on to-morrow, or some day during the session, introduce a bill to exclude free negroes from the State of Arkansas.

On motion of Mr. Redmond, the Senate took a recess until 2½ o'clock, p. m.

At 2½ o'clock, p. m., the Senate convened.

The roll was called by order of the President, and the following Senatots answered to their names:

Messrs. Carrigan, Clark, Davies, Douglas, Floyd, Gaines, Hampton, Humphreys, Jones, Marshall, McCreery, McColloch, Pennington, Redmond, Rosson, Smithson, Stirman, Trimble, Watkins and Mr. President—20.

Mr. Floyd introduced Senate joint resolution No. 2, to-wit:

Resolved, That our Senators in Congress are hereby instructed, and our Representatives hereby requested to procure the passage of a law by the Congress of the United States, to permit and allow actual settlers on all the lands reserved to the United States within all the railroad surveys in this state, the privilege to make entry and purchase the same at the graduated price now fixed by Congress for the graduation of public lands; and that the House of Representatives be requested to concur herein.

Which was read the first time, and passed to the second reading, under the rule.

Mr. Floyd introduced Senate joint resolution No. 3, to-wit:

Whereas, The Choctaw Nation of Indians, west of Arkansas, have greatly advanced in the scale of civilization, and formed for themselves an independent sovereign state government, with a written constitution and laws, modeled in all its appointments and machinery of government, upon the basis of constitutional law, as is now adopted by the sovereign states of this confederacy, for the purpose of guarding and protecting their political, civil and religious rights.

And whereas, further, Said state government, in accordance with the usage and custom adopted among the several states of this confederacy, is publishing her constitution and laws, and distributing the same by sending and furnishing the state authorities of the several states therewith; therefore,

Be it resolved by the General Assembly of the State of Arkansas, That the Governor of the State of Arkansas be, and he is hereby authorized to furnish the authorities of the state of the Choctaw nation the same number of the public documents of the State of Arkansas as is now furnished to the other states of the United States of America.

Which was read the first time, and passed to the second reading under the rule.

Mr. Redmond offered the following

RESOLUTION:

Resolved, That the Senate elect a page.

Which was read, when Mr. Douglas moved to lay the same on the table.

Pending said motion, the following message was received from the House of Representatives, by the clerk:

Mr. President—

I am instructed to inform your honorable body that the House of Representatives have organized by electing Hon. Oliver H. Oates, of Nonroe county, speaker; Samuel M. Scott, of Clark county, principal clerk; Benjamin Abbott, of Hempstead county, assistant clerk; Horace Torbett, of Scott county, enrolling clerk; and N. Carson, of Columbia county, doorkeeper; and are now ready to proceed to business.

S. M. SCOTT, *Clerk of*
House of Representatives.

The question before the Senate being the motion to lay the resolution, relative to electing a page, on the table, Mr. Floyd demanded the yeas and nays; which demand was sustained, and the roll called on the adoption of said motion:

Yeas—Messrs. Carrigan, Clark, Davies, Douglas, Hampton, Humphreys, Jones, Marshall, McColloch, Pennington, Rosson, Terry, Trimble, Watkins, Williams, and Mr. President—16.

Nays—Messrs. Floyd, Gaines, Hammond, McCreery, Redmond, Smithson and Stirman—7.

So the motion to lay the resolution on the table prevailed.

Message from the House of Representatives by the clerk:

Mr. President—

I am instructed to inform your honorable body that the House of Representatives have passed the following resolution:

Resolved, That a committee be appointed, on the part of the House, to act with a committee on the part of the Senate, to inform his Excellency, the Governor, that the General Assembly is now organized, and ready to receive any communication which he may deem proper to communicate to said body.

The committee on the part of the House consists of Messrs. Neal, Mitchell and Montgomery.

S. M. SCOTT, *Clerk of*
House of Representatives.

Mr. Redmond gave notice that he would, on to-morrow, or some other day during the session, introduce a bill to amend the road law of this state.

On motion of Mr. Hammond, the Senate adjourned until 10 o'clock, to-morrow morning.

THOS. FLETCHER,
President.

WEDNESDAY, *November 3d,* 1858.

The Senate met pursuant to adjournment.

Prayer by Rev. A. H. Kennedy, chaplain.

The roll was called, and the following senators answered to their names:

Messrs. Carrigan, Clark, Davies, Douglas, Floyd, Gaines, Hammond, Hampton, Humphreys, Jones, Marshall, McCreery, McColloch, Pennington, Redmond, Rosson, Terry, Trimble, Watkins and Mr. President—21.

The journal of yesterday was read, approved and signed.

Message from the House of Representatives by the clerk:

Mr. PRESIDENT—

I am instructed to inform your honorable body that the House of Representatives have adopted the following resolution:

Resolved, That the Senate be invited to meet the House at 11 o'clock this day to receive the message of the Governor to this General Assembly, and that this House inform the Senate of that fact.

S. M. SCOTT, *Clerk of*
House of Representatives.

Reports from committees were in order.

Mr. Hammond, from a joint select committee, made the following

REPORT:

Mr. PRESIDENT—

The joint committee of the two houses, appointed to wait upon his Excellency, Elias N. Conway, Governor of the

State of Arkansas, to inform him that the General Assembly have organized, and are now ready to receive any communication he may think fit to make, have performed that duty, and received for answer that his Excellency would be ready to make a communication on this day at 11 o'clock, a. m.

HAMMOND, *Chairman*
of Committee on part of Senate.

Which report was read and received.

On motion of Mr. Hampton, the resolution of the House of Representatives, inviting the Senate to meet them in convention at 11 o'clock to-day, for the purpose of receiving the Governor's message, was taken up, read, and concurred in by the Senate.

Mr. Gaines, on leave, presented the petition of Alice O'Barnnon, of Chicot county, signed by a large number of citizens of that county, representing that she is the owner of a small farm in section 23, in township 12, south of range 1, west of the 5th principal meridian, in said county of Chicot, containing about one hundred and fifty acres, situated immediately on the bank of the Mississippi river, that the state levee, which has been built in her neighborhood, runs across the point on which her farm is situated, leaving it outside of said levee, and without any protection from the inundations of the Mississippi river; and praying the General Assembly to take the matter into consideration, and grant her such relief as may be deemed just and proper.

Which petition was read, and, at the request of Mr. Gaines, permitted to lay upon the table for the present.

Mr. Gaines, on further leave, presented the petition of Henry Jacobi, of the city of Little Rock, signed by himself and a large number of citizens, representing that he is a book-binder, and, as such, is prepared to execute all work in his line of business; and, therefore, solicits such jobs of folding, binding and stitching as the General Assembly may wish to have done.

Which petition was read, and, at the request of Mr. Gaines, permitted to lay upon the table for the present.

Mr. Hampton offered the following

RESOLUTION:

Resolved, That the swamp land secretary be requested to furnish each senator with three copies of the compilation of swamp land laws, prepared and published by direction of the Governor.

Which was read, and, on motion of Mr. Clark adopted.

Mr. Clark introduced Senate joint resolution No. 4, to-wit:

Resolved, That our senators be instructed and our representatives in Congress requested to use their influence with the postmaster-general to procure the establishment of a weekly mail in two horse coaches, from Huntsville, in Madison county, by Ozark, in Franklin county, to Waldron, in Scott county, Arkansas.

Which was read the first time and passed to the second reading under the rule.

No. 1. Mr. Humphreys, on leave, introduced a bill to be entitled "an act to redeem certain bonds issued by the State of Arkansas to put the State Bank of Arkansas into operation, and to make appropriation therefor."

Which was read the first time and passed to the second reading under the rule.

Mr. Hammond was called to the chair.

On motion of Mr. Hampton, the Senate took a recess until 11 o'clock, a. m.

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11 O'CLOCK, A. M.

The Senate convened.

Message from the House of Representatives by the clerk:

Mr. PRESIDENT—

I am instructed to inform your honorable body that the House is now ready to receive your honorable body for the purpose of receiving the Governor's message.

S. M. SCOTT, *Clerk of*
House of Representatives.

On motion of Mr. Hampton, the Senate proceeded to the hall of the House of Representatives; and, being there seated, the following message from his Excellency, the Governor, was delivered to the two houses, in convention assembled, being read by Richard H. Johnson, esq., his Excellency's private secretary:

Fellow-citizens of the Senate and of the
House of Representatives:

It is a source of gratification to the Executive, when the powerful aid of the legislative department is sent up by the people. He welcomes you to your labors, and hopes for your co-operation in protecting and advancing the interests of the state.

With the fullest confidence in your wisdom, integrity and patriotism, the Executive firmly relies upon you to guard against every element of opposition to the interests of the state that may arise before you, under whatever deceptive pretexts it may be arrayed—however cunningly devised, and from whatever interested source it may emanate.

Notwithstanding the payments on the debt of the state, up to the first day of October, 1858, amounted to $2,146,484 36—namely: $932,790 03 on account of bonds issued to and sold by "The Bank of the State of Arkansas," and $1,213,694 33, on account of bonds issued to and sold by "The Real Estate Bank of the State of Arkansas," there still remained, on the first day of October, 1858, a liability of the state, on account of bonds sold by the Real Estate Bank, amounting, with the unpaid interest on them, to $1,815,307 77; and also a liability on account of the Bank of the State of Arkansas, for bonds and unpaid interest on them, amounting to $1,239,526 82.

The assets of the Real Estate Bank and the lands mortgaged by stockholders, if honestly and prudently managed, and applied, will be more than sufficient to pay the liability of the state on account of the Real Estate Bank. It is, therefore, recommended that no legislation whatever, be had, whereby these mortgaged lands might, by any possibility, be released, or the security to the state and bondholders, in any manner jeopardized.

The only debt of the state without adequate means to pay it is that of the State Bank, which, after deducting assets which will probably be collected, amounted on the first day of October, 1858, to about one million, one hundred thousand dollars. This debt is composed of $616,000 of principal *not due*, and the interest *due and unpaid.* Elsewhere in this communication the affairs of the banks are referred to more in detail.

Printed copies of the official reports, and other information, adopted as accompanying documents to this message, will be laid before you. In these documents you will find much valuable and interesting information concerning affairs of the state; and also, some suggestions and recommendations worthy of your consideration.

By the reports of the several officers, to whom were confided important and responsible duties, you can judge of the ability and fidelity with which each one of them has comprehended, performed and rendered an account of the trust reposed in him.

The reports of the auditor and treasurer, show that there remained in the state treasury, on the first day of October, 1858, subject to be used for ordinary expenses of the state, the sum of two hundred and thirty-five thousand, one hundred and ninety-four dollars and thirty-nine cents, *in gold and silver.*

The entire amount of the internal improvement fund, distributed to, and drawn by the several counties, before the 1st day of October, 1858, was $409,879 18; and on that day a balance of this fund remained in the treasury, in specie, amounting to $14,598 50.

The whole amount of the seminary fund distributed to, and drawn by the several counties, before the 1st day of October, 1858, was $77,846 36; and on that day a balance of this fund, in specie, remained in the treasury, amounting to $3,697 16.

The entire amount of the saline fund distributed to, and drawn by the several counties, before the first day of October, 1858, was $7,611 39; and a balance of this fund in specie, remained in the treasury, on that day, amounting to $3,018 57.

The internal improvement fund arose from the sales of a part of the 500,000 acres of land granted to the state by act of Congress, approved 4th September, 1841.

The seminary fund was produced by sales of a part of the seventy-two sections of land granted by Congress, to the late territory of Arkansas, for educational purposes.

The saline fund arose from sales of a portion of the seventy-two sections of land, embracing twelve salt springs, granted by the United States to this state.

The seminary and saline funds are, by law, distributed to the several counties, to aid in the support of common schools.

As one inducement to obtain purchasers of the public lands in every township of six miles square, the United States granted to this state, section numbered sixteen in every township, for the use of the inhabitants of such township for educational purposes. This grant amounts, in the aggregate, to one thirty-six part of all the land in the state: and if judiciously and properly managed, and taken care of, will greatly aid in disseminating the opportunities of education into all parts of the state. By law these common school lands are placed under the care and control of the several counties in which they are situated. It is also provided by law, that "the accruing annual interest on money arising from the sale of the sixteenth section in any township, shall be a perpetual fund, to be appropriated to the support of a school or schools in the respective townships; *but no part of the principal shall ever be expended for any purpose whatever.*"

In addition to the funds arising from the three important land grants made by the United States, and appropriated for the support of common schools, our law provides that the annual state and county taxes, assessed upon sixteenth sections sold, the proceeds of escheated estates; all fines for false imprisonment, assault, assault and battery, breach of the peace, trespass on real property, for fraudulent pretences and gaming, and all fines inflicted for the suppression of vice and immorality, when collected, shall be paid into the county treasury of the proper county, for the use of schools. The Executive has no official information of the amounts of money annually arising in the several counties from all of these sources. Nor can he advise you whether the county officers, having control of the common school funds of their respective counties, have faithfully applied them to the objects for which they are intended ed, or not. This subject is one of so much importance, that it is earnestly commended to your investigation and attention.

Each member of the General Assembly has, doubtless, some information relative to the management and condition of the school funds of the county in which he resides.

You can, therefore, best determine whether additional legislation is necessary or not, to secure from loss the school funds, and to cause them to be sacredly applied to the advancement of education.

It is recommended that a law be passed authorizing the county court of any county in the state, which may choose to do so, to appropriate, annually, the poll-tax for the benefit of education in the county.

Not only should the opportunities and advantages of education be diffused through the various parts of the state, by the establishment of a common school in every neighborhood; but it devolves upon the General Assembly, "from time to time, to pass such laws as shall be calculated to encourage intellectual, scientific and agricultural improvement, by allowing rewards and immunities for the promotion and improvement of arts, science, commerce, manufactures and natural history, and countenance and encourage the principles of humanity, industry and morality."

How long shall this important provision of our constitution lie dormant? The executive appeals to you to give it life and vigor.

By "an act to provide for a geological survey of the State of Arkansas," approved 15th January, 1857, the Governor was authorized and empowered to appoint a State Geologist; and, in the exercise of this authority, Dr. David Dale Owen was appointed State Geologist of Arkansas. About the first of October, 1857, in accordance with his instructions, he commenced the reconnoissance of that part of the state west of St. Francis river, and north of township 10 north. Although the time has been short, and the means appropriated very limited, yet, by using energy and economy, Dr. Owen has made considerable progress towards the survey of the district assigned him. He has made a report, and the printing of five thousand copies of it, for the use of the state, will soon be finished. It is recommended that a sufficient appropriation be made, to pay for binding the printed copies of this valuable work, in a style creditable to our state; and that the disposition of the copies, when bound, be regulated by law.

It is recommended that a suitable number of copies of this report be distributed to scientific men in the United States and in Europe. This would attract attention to our state, and aid in making known that millions of dollars could be profitably invested in mining and manufacturing in Arkansas.

Whatever the state undertakes to do to develop its resources and benefit the people, should be well done. This rule, established and adhered to, will not only be gratifying to the state pride of every good citizen, but will elevate the character of our state, at home and abroad.

It is recommended that twelve thousand dollars per annum be appropriated, to urge forward, in a thorough manner, the geological survey of Arkansas; so that its beneficial influences upon our state, may commence as early as possible. The present law is defective in several respects, and should be amended. The analysis of soils is very important, and should be provided for in amending the law. It is recommended that the salary of our State Geologist be increased to equal that paid by the states of Mississippi and Missouri, respectively, to their state geologists. The present compensation had but little influence in securing the important and valuable services of Dr. Owen.

In compliance with the duty enjoined by "an act to provide for revising and digesting the statute laws of Arkansas," approved 14th January, 1857, the Governor appointed Josiah Gould, to revise and digest the statute laws of this state, in the manner prescribed by the act; and appointed George C. Watkins to examine such revisal or digest, when completed. On the 31st day of October, 1857, the examiner certified to the governor that he had "carefully examined the revisal or digest, prepared by Josiah Gould, esq., and that such revisal is a complete and correct digest of all public or general laws now in force." The law provided for the printing and binding of three thousand and five hundred copies of the Digest, for the use of the state. The digester has reported to the governor "that the printing of the Digest was completed early in May last."

The secretary of state made a contract to have the 3,500 copies bound and delivered to him. The binding, it is believed, was completed last month.

It is recommended that an act be passed, at an early day for the supplying, as soon as possible, one copy of this Digest to every state and county officer; and that the price, per copy, be fixed, so that individuals, who are not officers, may have opportunity of buying the laws. Each officer should be required to deliver the copy of the Digest received by him to his successor in office.

In addition to the number of copies requisite to supply the officers, some extra copies, for sale, should be placed with the clerk of each county, for the convenience of purchasers. An appropriation of money will have to be made to enable the secretary of state to secure the delivery of the requisite number of copies of the Digest to the clerks of the several counties.

The digester of the laws and the inspector of the Digest of the laws, have each made a report of considerable importance, which will be printed and laid before you; and your attention and consideration are respectfully invited to these valuable reports.

It is recommended that the secretary of state be authorized by law to forward to the authorities of each of the organized Indian governments, west of this state, a copy of the Digest of the laws of Arkansas, and a full set of the published reports of the decisions of the supreme court of this state; and that permanent provision be made by law for furnishing, for the use of those governments, copies of the laws and reports, from time to time, as they shall hereafter be published.

The secretary of state is librarian, and, as such, has the custody of the laws and books of the state; and the disposition of them is regulated by law, and not by any discretionary power of the governor.

By authority of " an act authorizing the governor to sell the governor's mansion, in the city of Little Rock," approved 15th January, 1857, the executive, on the 24th day of September, 1857, sold the property, as required by the law, upon a credit of twelve months, for three thousand and seven hundred dollars in specie. To secure payment, a note with good personal security was taken, and deposited with the state treasurer, and is to draw interest at the rate of eight per cent. per annum, from the time due until paid. A bond, under the seal of the state, was given to make a deed to the purchaser, after full payment of the purchase money and interest, for the property sold: being lots one, two and three, in block thirty-eight, (west of the Quapaw line), in the city of Little Rock.

In collecting a debt, the state acquired this property at a cost of about thirty-five hundred dollars in Arkansas Bank paper, then much below par; and, to make it of some use to the state, it was appropriated, although not suitable, for the residence of the governor.

The secretary of state is ex-officio commissioner of public buildings, and, as such, has made a report relative to the necessity of thoroughly repairing the state-house. To the report, and to the condition of the building, your consideration is respectfully invited. It is recommended that ample provision be made by law for substantially and completely repairing this valuable property of the state.

As authorized and required, by " an act to provide for the construction of a block of additional cells in the main building, within the walls of the penitentiary, and for other purposes," approved 14th January, 1857, the governor, on the 26th day of January, 1857, entered into a contract with Alexander George and John Robins, for the safe keeping, clothing and subsistence of the convicts of the penitentiary, for the term of two years, from the date of the contract, and for the construction of all the work designated by said act; and, in addition to what the law required, the contract provided that the main building, the hospital, and the newly erected work-shop, should have good tin gutters, supported by iron spikes, and other suitable fastenings, and large tin pipes to carry off the rain water; all of which the contractors agreed to perform, for the sum of thirty-seven thousand dollars, the consideration named and appropriated by said act. The law and the contract provided that all of the work should be completed by the first day of November, 1858. The Governor appointed Samuel H. Webb, inspector, and he has reported that Alexander George and John Robins completed all of the work required by their contract, and that final payment was made to them for it, in September last. The inspector also states that the contractors performed the whole of it in a manner creditable to themselves, and beneficial to the state.

To the report of the keepers of the penitentiary, and the suggestions therein made, your attention is respectfully invited. By the report, it appears that eighty-seven convicts remained in the penitentiary on the 1st day of October, 1858, and that two runaway slaves were also detained there subject to be retrieved by their owners.

It is recommended that provision be made for building a house for the warden or keeper, at the penitentiary; that suitable arrrangements be made for imprisoning female convicts, and that a cistern to supply sufficient water for the use of the institution, be constructed.

It seems to the executive, that it would be good policy to provide for manufacturing coarse cotton cloths, by the labor of the penitentiary convicts.

Your early attention and action are solicited to the subjects connected with the penitentiary, for the important reason, that the existing contract for the keeping, clothing, and subsistence of the convicts, will expire on the 25th day of January next. The present keepers have conducted the institution in a manner which, it is believed, will be satisfactory to you.

As a matter of importance, requiring legislative action, your consideration is invited to the communication of the Secretary of State of Arkansas, dated 26th October, 1858, enclosing a letter from the commission of the general land office, to him, dated October 9th, 1858, in relation to the transfer of the archieves of the surveyor-general's office to the authorities of the State of Arkansas. For further information on the subject, you are respectfully referred to the letter of the commissioner, and to the acts of Congress therein designated. These archives are very valuable and important, and should be preserved with the utmost care. It is believed, that if the state will provide a suitable office for the reception and safe keeping of these records and papers, no other public expense will be necessary. A tariff of liberal fees, to be paid by individuals for whom service shall be rendered, would afford sufficient compensation for taking care of the records and papers.

In the year 1836 "The Bank of the State of Arkansas" was created.

One thousand six per cent., and one hundred and sixty-nine five per cent. bonds of this state, each for $1,000, were issued to, and sold by "The Bank of the State of Arkansas," to obtain banking capital. By the report of the auditor, you will see that the whole number of these bonds redeemed, canceled and filed with the state treasurer up to the 1st day of October, 1858, was five hundred and fifty-three; and that the interest on the bonds, when redeemed, amounted, in the aggregate, to $372,174 35; and to this should be added $7,615 68 for interest paid, at the United States' treasury, out of funds of the state, on bonds issued to and sold by this bank, and then the interest paid will be shown to be $379,790 03, making, with the principal of the five hundred and fifty-three redeemed bonds, $932,790 03, paid on the debt of the state, on account of the Bank of the State of Arkansas. But there are still outstanding and unredeemed, 616 of the bonds sold by this bank. Of these, 591 are six per cent. bonds, which will not be due until the first day of January, 1868; and 25 are five per cent. bonds, which will not be due until the first day of January, 1887.

On the first day of October, 1858, the interest unpaid *by the bank*, on these 616 bonds, amounted to $631,142 50. One hundred and twenty-eight of the unredeemed six per cent. bonds issued to and sold by " The Bank of the State of Arkansas," and five hundred six per cent. bonds issued to and sold by "The Real Estate Bank of the State of Arkansas," are held by the United States.

The whole amount of the five per cent. of the net proceeds of the sales of the public lands, which accrued to the State of Arkansas, under the compact between the United States and this state, from the first day of January, 1841, to the first day of January, 1857, was $79,125 75. But in accordance with requirements of the joint resolution of Congress, approved 3d March, 1845, this money was, from time to time, as it accrued, retained at the United States treasury; and $71,864 08 of it applied by the authorities of the United States, towards the payment of interest on the 500 bonds of this state, issued to and sold by "The Real Estate Bank of the State of Arkansas," and the residue, $7,261 67, towards the payment of interest on the 128 bonds issued to "The Bank of the State of Arkansas." By the tariff act of 30th August, 1842, the act of Congress to appropriate the proceeds of the sales of the public lands, approved 4th September, 1841, was modified, and the distribution of the land fund to the several states suspended. But before the modification of the act of 4th September, 1841, the sum of $5,012 16 had accrued to the State of Arkansas, and, under section four of this act, was retained at the United States treasury, and $4,658 15 of it applied by the authorities of the United States, towards the payment of interest on the 500 bonds issued to the Real Estate Bank; and the balance, $354 01, towards interest on the 128 bonds issued to the Bank of the State of Arkansas. Therefore, from the $631,142 50, interest, *unpaid by the Bank of the State of Arkansas*, on the 1st October, 1858, the sum of $7,615 68, applied at the United States treasury toward the payment of interest on bonds issued to this bank, should be deducted, and then the whole amount of interest which remained due and unpaid, on the 616 outstanding bonds issued to this bank, will be shown to be $623,526 82. The principal, *not due*, was $616,000; which, added to the interest, will show that the whole amount of the debt on account of the Bank of the State of Arkansas, was $1,239,526 82, on the first day of October, 1858.

To the report of the financial receiver of the Bank of the State of Arkansas, you are respectfully referred for intelligence in regard to his official transactions. It is recommended that the existing law be amended so as to authorize the receiver to employ special attorneys; and that two years longer be allowed for winding up the affairs of the State Bank.

The land attorney and state collector, has rendered considerable aid to the bank; but as the other regular business of his office often requires his presence in one direction, and the business of the bank needs attention in another, he cannot at all times render that service to the bank which is necessary.

By the report of the land attorney and state collector, you will see that he has been energetic and successful in collecting funds of the state.

William M. Gouge and Archibald H. Rutherford, the state accountants, under the act of 15th January, 1857, after a long, tedious and laborious investigation of the confused affairs of "The Bank of the State of Arkansas," have made a very elaborate and able report, to which you are respectfully referred, as a source of much information concerning the past history and present insolvent condition of this bank.

After deducting all of the assets, which will probably be collected, the executive estimates that the debt of the state, on account of the State Bank, amounted to about one million and one hundred thousand dollars, on the 1st day of October, 1858.

"The Bank of the State of Arkansas," and "The Real Estate Bank of the State of Arkansas," were created in the year 1836. These are the only banks that ever had existence in Arkansas.

The State Bank belonged wholly to the state, and no other stockholder has ever had an interest in it. The General Assembly elected its chief officers, and they appointed their subordinates. After lingering through a lapse of nearly a quarter of a century, the State Bank is about to pass away—but the state accountants have recorded much of its history. This will remain to perpetuate its memory and to warn the people of Arkansas against the establishment of such institutions in future.

It is recommended that a law be passed to effectively prevent the circulation in this state of any bank note of less denomination than fifty dollars. Such a policy would cause gold and silver to flow into our state, and would afford substantial benefits to the people.

For information relative to the business of the Real Estate Bank, you are respectfully referred to the report of the receiver in chancery. This valuable report shows that the policy established for winding up the bank, works well, and, if strictly adhered to, and faithfully carried out, will protect the state from any loss whatever, on account of the Real Estate Bank.

The report contains a complete list of the lands which the receiver is authorized to sell.

By the report of the auditor, you will see that 584 bonds of this state, issued to and sold by the Real Estate Bank, and also many coupons for interest, had been redeemed, canceled and filed with the state treasurer before the first day of October, 1858, amounting together to $1,137,172 10, and that on the first day of October, 1858, 946 of the bonds issued to and sold by this bank remained unredeemed, and upon them the interest due and unpaid *by the bank* was $845,830 00, making for principal and interest $1,891,830 00; but from this should be deducted $76,522 23, the amount of money of the state retained and applied by the authorities of the United States, as required by the joint resolution of Congress of 3d March, 1845, towards interest on the 500 bonds of this state, issued to and sold by the Real Estate Bank, which are held by the United States as trust funds, and when the whole amount for principal and interest will be shown to be $1,815,307 77.

You are respectfully referred to the report of the solicitor-general of the State of Arkansas, for information concerning the suit of the state against the late trustees and officers of the Real Estate Bank; and, also, relative to many other important suits, to which he has attended in behalf of the state.

After the state commenced suit against the trustees and officers of the Real Estate Bank, to have them removed and held to account, so that the assets of the bank might be collected and applied to the payment of its debts, certain suits for large amounts were commenced against the state, upon bonds of the state issued to the banks. In December, 1854, these suits were pending, and there were serious apprehensions entertained that they would result in judgments, and under these, forced sales, and the sacrifice of all the lands and other available assets of the banks, the breaking up of the stockholders of the Real Estate Bank, and finally in driving the state to repudiation.

The assets of the banks were appropriated for the payment of the debt of the state, on account of bonds issued to, and sold by the banks; and the state was using efforts to make the assets available for that purpose.

In the suits only copies of the bonds were filed. And to protect the interests of the state, and of the stockholders of the Real Estate Bank, and all others concerned, an act was passed by the General Assembly of this state, and approved 7th December, 1854, which provided, "that in every case, in which suits or any proceedings had been instituted, to enforce the collection of any bond or bonds issued by the state, or the interest thereon, before any judgment or decree should be rendered, the bonds should be produced and filed in the office of the clerk, and not withdrawn until final determination of the suit or proceedings, and full payment of the bonds and all interest thereon, and might then be withdrawn, canceled and filed with the state treasurer, by order of the court, but not otherwise." This act also provided, that in every case in which any such suit or proceeding had been, or might be instituted, the court should, at the first term after the commencement of the suit or proceeding, whether at law or in equity, or whether by original or cross bill, require the original bond or bonds to be produced and filed; and if that were not done, and the bonds filed and left to remain filed, the court should, on the same day, dismiss the suit, proceeding or cross bill.

You will see by the report of the solicitor general, that five suits were dismissed under this act of 7th December, 1854, for failure of the plaintiffs to file the bonds; that in all the cases appeals were taken to the supreme court of Arkansas, which affirmed all the judgments and decrees of dismissal; that the plaintiffs then removed the cases to the supreme court of the United States—that under an arrangement with the governor of this state, the solicitor general attended to these cases in the supreme court of the United States, and that all of them were decided in favor of the state, and the law of the 7th December, 1854, fully sustained. There is but one other suit pending against the state on bonds, and in that case a judgment had been obtained in Pulaski circuit court, before the passage of the act of 7th December, 1854, for $52,513 06, but upon appeal to the supreme court of Arkansas, the judgment was reversed; and the solicitor general states that, under the existing law, this case will have to be dismissed at the present term of the Pulaski circuit court.

The solicitor general has manifested much zeal and ability in attending to the suits of the state.

It is recommended that you adopt the amendment to our constitution, proposed at the last session, providing that the state shall not be sued in any of its courts.

It devolves upon the legislative department to make ample provision for the expeditious and salutary administration of the laws by the judicial department, to enable the executive to have the laws faithfully executed: and to afford to the people the benefits of having the civil causes, in which they may be indivinually interested, tried and determined without delay.

There are fifty-four counties in this state, and such legislation should be had as would insure to every one of them a good and secure jail, which could not be broken by prisoners placed in it. Heavy penalties should be imposed on the sheriff and the jailer for every escape of a prisoner placed in their custody for safe keeping either before or after trial.

It is recommended that the state be divided into nine judicial circuits, embracing six counties in each. That provision be made for the election of three additional judges of the circuit court, and three additional prosecuting attorneys for the newly created circuits. That three terms of the circuit court be held in every county every year; and, in addition, the judge should be authorized to hold as many special terms as necessary for the trial of criminals.

It is also recommended that the judges of the supreme court be required to hold four terms of this court every year, instead of two, as now provided; and that the salaries of the judges of the supreme court be liberally increased, so that they may be able to apply themselves constantly to their official duties.

Your attention is respectfully invited to the report of the swamp land secretary. By it you will see, that from the time the present system was organized, under the swamp land acts passed at the last session of the General Assembly, to the first day of October, 1858, engineers reported the completion of 2,222,150 38-100 cubic yards of levee and ditch work, which were allowed and certified to the governor, who ordered that payment be made for the same.

The three swamp land commissioners, in their report made at the last session of the General Assembly, stated the whole amount of levee and ditch work allowed and paid for by them, to be 1,299,444 04-100 cubic yards.

Your consideration is invited to a special report of the auditor, dated October 14th, 1858, "contrasting the expenses of the swamp land system during the two years ending with the 30th Sept., 1856, under the laws then in force, with the expenses during the two years ending with the 30th September, 1858, under the system adopted by the last General Assembly." This report shows that the expenses paid during the two years, under the present system, were $57,404 37 *less* than those paid during the two preceding years, under the former system: and, at the same time, the levee and ditch work done was 922,706 34-100 cubic yards more under the present, than that done under the former system. The expenses referred to composed no part of what was paid for levee and ditch work, but were incurred in carrying on the system. But, notwithstanding this saving in expenses, the governor appeals to you to change the laws so as to relieve him from the great amount of extra labor, care, anxiety, and perplexing annoyances which the present swamp land laws impose upon him. The regular business of the executive office is sufficient to engage the attention, consideration, and labor of the governor; yet, in addition, under the present laws, he performs, without any cost to the state, duties so laborious and important that three swamp land commissioners, each with a salary greater than that of the governor, were deemed necessary to accomplish them.

The large amount of levee work now under contract, and being vigorously constructed, will add so much to the business of the governor, this fall and winter, that it will not be possible for him to accomplish all of it, and, at the same time, give proper consideration and attention to the other important duties which devolve upon him. Therefore, your early action on the subject is respectfully solicited.

The executive has done the best he could, under the circumstances, for he felt a great desire to have the important work of reclaiming the swamp and overflowed lands pushed forward to completion as rapidly as possible; and, at the same time, to have the levees well built, and then properly and honestly measured and reported for payment. The report of the swamp land-secretary affords some information on this subject, and your attention is invited to it.

Your consideration is respectfully solicited to the special report of the auditor, dated October 12th, 1858. This special report was made after the sales of swamp and ovetflowed lands during the three months ending with the 30th September, 1858, had been reported to him by the land agents, and deducted, and shows that the swamp and overflowed lands confirmed to the state, remaining unsold on the first day of October, 1858, amounted, in the Helena district, to 305,263.83 acres; in the Batesville district, to 987,614.29 acres; in the Little Rock district, to 336,493.69 acres; in the Champagnolle district, to 377,371.68 acres; in the Washington district, to 279,933.27 acres; in the Clarksville district, to 85,304.25 acres; in the Fayetteville district, to 1,095.99 acres—leaving unsold in the State of Arkansas 2,373,076 acres. This special report of the auditor also shows that the whole amount of swamp land scrip outstanding on the 12th October, 1858, was $33,367 32.

By a statement furnished the governor, by the auditor, it appears that up to the first day of October, 1858, the certificates issued by the auditor, under section 2 of the swamp land act, approved 13th January, 1857, for levee work done under said act, amounted, in the Helena district, to $42,398 80; in the Little Rock district, to $12,756 37, and in the Champagnolle district, to $8,540 75.

As there are but 1,095.99 acres of unsold swamp and overflowed lands in the Fayetteville district, it is recommended as a measure of economy, that the office of land agent for the Fayetteville district be abolished.

It is recommended that a law be passed fixing the uniform minimum price at which swamp and overflowed lands of the state may be sold, at one dollar per acre.

Our constitution provides that, "internal improvement shall be encouraged by the government of this state." In seeking to comply with this injunction, the executive recommends that 250,000 acres of the confirmed swamp and overflowed lands remaining unsold in the Champagnolle district, be invested at one dollar an acre, in the way of stock in the Mississippi, Ouachita and Red river railroad company, for the benefit of the swamp land fund of that district; that 250,000 acres of the unsold swamp and overflowed lands of the state in the Washington district, be invested at one dollar an acre, in the way of stock in the Cairo and Fulton railroad company, for the benefit of the swamp land fund of the Washington district; and that 400,000 acres of the swamp and overflowed lands of the state remaining unsold in the Batesville district, be invested, at one dollar an acre, in the way of stock in the Cairo and Fulton railroad company, for the benefit of the swamp land fund of that district; and upon the condition that the proceeds of these lands shall be applied toward the construction of that part of the road extending from White river to the Missouri state line, a distance of about 80 miles; that 400,000 acres of the unsold swamp and overflowed lands of the state in the Batesville district, be invested, at one dollar an acre, in the way of stock, in the Memphis and Little Rock railroad company, for the benefit of the swamp land fund of the Batesville district, upon condition that the proceeds of the lands be applied exclusively towards the construction of that part of the road extending from Little Rock to Devall's Bluff, on White river, and upon condition, that the company will construct this division of their road next after completing that east of St. Francis river; and also in like manner, and upon like conditions, that 100,000 acres of the swamp and overflowed lands of the state remaining unsold in the Little Rock district, be invested, at one dollar an acre, in the way of stock, in the Memphis and Little Rock railroad company, for the benefit of the swamp land fund of the Little Rock district, so as to enable the company to complete the division of the road from Little Rock to White river during the next two years.

It is also reommended that all of the unsold swamp and overflowed lands of the state, whether yet confirmed or not, at the price of one dollar an acre; and all of the unsold internal improvement or 500,000 acre lands, at $1 25 an acre, in the Fayetteville and Clarksville districts, be invested in the way of stock in the company of the Little Rock and Fort Smith branch of the Cairo and Fulton railroad; the swamp lands for the benefit of the swamp land fund of the respective districts, and the internal improvement lands for the benefit of the internal improvement fund.

In carrying into effect these recommendations the actual settlers should be well protected and secured from the loss of their improvements—therefore liberal provision for pre-emption rights is recommended.

It is recommended that section six of "An act to amend 'an act to aid in the construction of the Cairo and Fulton railroad,' apprved January 16th, 1855," approved 26th November, 1856, be repealed, and that the Cairo and Fulton railroad company, and the company of the Little Rock and Fort Smith branch of the Cairo and Fulton railroad, be entirely released from that part of their respective bonds to the state, by which they were required to comply with that section of the act of 26th November, 1856.

It is recommended that an act be passed, fixing the time in which the second division of the Memphis and Little Rock railroad, between St. Francis river and White river, shall be completed by the first day of December, 1862, provided the company will complete the division from Devall's Bluff to Little Rock, by the first day of January, 1861.

For information relative to the four roads mentioned, you are respectfully referred to the communications to the governor from the presidents of the companies. It is the earnest desire of the executive, that these railroads should be speedily constructed; and if the recommendations which he makes to encourage them, be adopted, it is confidently believed, that all of them will be finished in a few years. They should all receive the encouragement of the state, in every thing compatible with the public interests. This whole subject is submitted to the wisdom of your councils, with full confidence that you will act for the advancement and honor of the state.

There is one subject of some difficulty to which your attention is invited; that is how best to insure the emigration of all the free persons of color from this state, and to prevent the subsequent residence of any of them in it.

In enacting a law on this subject, as a police regulation, a sufficient sum of money should be appropriated out of the state treasury, to defray the expenses of the indigent and helpless to the places of their destination, and to provide some means of subsistence for them, for a short time after they reach their new homes. As some of them might choose to enslave themselves to obtain comfortable homes, and remain in the state as slaves, it is recommended that a law be enacted to authorize them to do so; and that owners of slaves be prohibited from emancipating them, so as to take effect whilst the subjects of emancipation remain in this state.

There are doubtless many free persons of color residing in this state, in contravention of the existing laws on the subject.

If nothing more is done, the existing laws should be properly administered and enforced; and if legislation be needed to require officers to perform neglected duties on this subject, it would be well to provide for such cases by law.

By a provision of the constitution, the duty of arranging the senatorial districts, and apportioning the representatives in the several counties, devolves upon the General Assembly, at the present session. To the abstract of the census of this state, showing the population of the several counties, on the first day of January, 1858, as enumerated by the sheriffs, the executive invites your attention. From Arkansas county there is no census return.

The aggregate population of the other fifty-three counties, on the first day of January, 1858, as stated, was 325,429 souls; of which 131,197 were free white males; 113,113 free white females; 80,385 slaves, and 734 free persons of color. This abstract also shows that the lands cultivated in the year 1857 were 317,689 acres in cotton, and the production 172,692 bales of cotton; 970,354 acres in grain, and the production 16,880,952 bushels of corn, 1,139,096 bushels of wheat, and 2,035,730 bushels of oats. By table H, of the auditor's report it appears that there were no returns of tax books for the year 1858, from the counties of Arkansas, Ashley, Columbia, Greene, Lawrence, Mississippi and Sevier, but the tax books for the year 1857 were returned from these seven counties, as is shown by table G, of the auditor's report. Without allowing anything for increase, if the property taxed in these seven counties for 1857, be added to what was taxed for 1858, in the other 47 counties, it will be shown that there were taxed, in the state of Arkansas, for the year 1858, besides other property, 60,249 slaves, 360 saw-mills, 104 tan-yards, 56 distilleries, 2,212 pleasure carriages, 64,198 horses, 23,108 mules, 101 jacks and jennies, 191,662 neat cattle, $1,841,802 in goods, wares, and merchandize, $1,086,055 money loaned at interest, $49,669 invested in steam boats, $220,177 in gold watches and jewelry, $60,044 invested in manufactories, and that the total value of property taxed in the state, for the year 1858, is $99,873,248 00.

The increase of the taxable property of this state, for the four years, from 1852 to 1856, was $27,857,965; and, during the last two years, the increase to the taxable property of the state has been $29,115,203—demonstrating that the taxable property of the state has increased, during the last six years, $56,973,168; and that more than half of that increase was during the last two years. The whole value of property taxed in the state, for the year 1852, as shown by table "J," in the auditor's report of the 1st of October, 1854, was $42,900,080: being $14,073,088, less than half of what it amounts to for the year 1858.

However rapid this increase of wealth in the state may appear, it will be still more speedily augmented when it shall become generally known that the State of Arkansas has established the safe, commendable and wise policy of receiving nothing for revenue, and paying out nothing for expenditures, but the constitutional currency of gold and silver—that the constitution, as amended, prohibits the establishment of any bank—that not one bank exists within the state to manufacture paper pretexts for money—(and if the recommendations of the governor be carried out,)—that no bank bill of less denomination than fifty dollars, is allowed to circulate as currency in the state—that a thorough geological survey of the state, is being prosecuted by a distinguished state geologist—that railroads are being built, and in a few years will be finished—that good schools now exist, and others are being established in nearly every section of the state—that our rich lands, when properly cultivated, produce abundantly, corn, wheat, oats, rye, barley, grasses, fruits and vegetables; that if we had slaves enough to cultivate all of the cotton lands in the state, Arkansas, alone, could supply, annually, the market of the world with as much cotton as has ever been raised any year in all of the cotton-growing states of the United States—that we have a mild, delightful and healthy climate—that our taxes are light, our state treasury abundantly supplied with gold and silver to pay all ordinary expenses of the government, and that the state owes but one debt, to pay which means have not yet been provided; and that the principal of this debt is but $616,000, and not due before the 1st day of January, 1868.

These considerations, added to the facts that good lands are abundant in Arkansas, and many of them for sale at low prices, will not fail to induce thousands in the old states, who now cultivate worn out lands, to come, with their intelligence, skill, industry and wealth, and settle in the State of Arkansas, and aid in hastening it on to that elevated and enviable position, towards which our state is already making such certain and rapid advances.

We have great cause to be thankful to Almighty God, that he has smiled upon our state, and blessed it with increasing prosperity.

With the greatest confidence in your wisdom, integrity, firmness and patriotism, the executive feels that the people have legislators whose labors, at this session, will prove honorable to themselves, and conduce to the public good.

ELIAS N. CONWAY.

EXECUTIVE OFFICE,
Little Rock, Arkansas,
3d November, 1858.

The following papers accompany the governor's message:

AUDITOR'S OFFICE, *Little Rock*, Oct. 14th, 1858.

To His Excellency,
ELIAS N. CONWAY, *Governor*
of the State of Arkansas:

SIR:—In compliance with your request, I herewith submit a statement, showing the expenses incurred on account of the swamp land grant, under the act of 30th December, 1856, and 13th January, 1857, from the passage of those acts to the 30th September, 1858, as compared with the expenses incurred on the same account, for the two years ending 30th September, 1856, under previous swamp land acts.

Yours, respectfully,
W. R. MILLER, *Auditor*
of Public Accounts of the State of Arkansas.

No. 7.

A STATEMENT—*Contrasting the expenses of the swamp land system, during the two years ending with the* 30*th September,* 1856, *under the laws then in force, with the expenses during the two years ending with the* 30*th September,* 1858, *under the system adopted by the last General Assembly.*

	Amounts.	Total.
The amounts paid out during the two years preceding the inauguration of the system adopted by the passage of the acts of the 30th December, 1856, and 13th January, 1857, was as follows:		
To pay the salary and expenses of the swamp land commissioners	$ 16824 60	
To pay locating agents and sub-commissioners for the state at large	2132 81	
To pay the salary of the secretary appointed by the board of swamp land commissioners	4268 00	
To pay engineers and assistant engineers for the state at large	23778 90	
To pay extra clerk hire and sub-commissioners	1516 00	
To pay clerk hire and other expenses of the auditor's office, in respect to the swamp and overflowed lands	2072 88	
To pay for books and stationery for the treasurer's office, properly payable out of the swamp land fund	748 00	
To pay the treasurer for recording swamp land scrip	2062 98	
Total expenses paid out of the general fund for the two years ending 30th September, 1856		53404 17
To pay locating agents and sub-commissioners in the Pine Bluff district	6032 25	
To pay the salary and expenses of the swamp land agent for the Pine Bluff district	3065 76	
To pay engineers in the Pine Bluff district	333 33	
Total expenses of the Pine Bluff district for the two years ending with 30th September, 1856		9431 34
To pay the salary of the land agent for the Helena district, and contingent expenses of his office	3134 01	
To pay locating agents and sub-commissioners, and $886 to engineers for the Helena district	2564 50	
Total expenses of the Helena district for the two years ending with 30th September, 1856		5698 51
To pay the salary of the land agent for the Jacksonport district, and contingent expenses of his office	2445 92	
To pay locating agents and sub-commissioners in the Jacksonport district	3077 05	
Total expenses of the Jacksonport district for the two years ending with 30th September, 1856		5522 97
To pay the salary of the land agent for the Washington district, and contingent expenses of his office	1997 55	
To pay locating agents and sub-commissioners for the Washington district	2618 50	
Total expenses of the Washington district for the two years ending with 30th September, 1856		4616 05

No. 7—Continued.

		Amounts.	Total.
To pay the salary of the land agent for the Dardanelle district, and contingent expenses of his office..........		1429 30	
To pay locating agents and sub-commissioners in the Dardanelle district		2590 10	
Total expenses of the Dardanelle district for the two years ending with the 30th September, 1856.........		....	4019 40
Total expenses paid on account of the swamp and overflowed lands during the two years ending with the 30th September, 1856..............................		....	82692 44
The expenses, under the present system, up to 1st October, 1858, have been as follows:			
To pay clerk hire, and other expenses of the auditor's office, in respect to the swamp and overflowed lands..........	$ 1857 06		
To pay for books and stationery for the treasurer's office, and for recording swamp land scrip.....................	1676 61		
To pay for printing, and other expenses of the executive office, properly payable out of the swamp land fund..............	755 97		
To pay the per diem and contingent expenses of the state engineers, appointed by the governor....................	6269 85		
To pay the salary of the swamp land secretary, appointed by the governor, and the contingent expenses of his office...	1841 89		
Total expenses paid out of the general fund, up to 1st Oct., 1858, under the present system	....	12401 38	
To pay the salary of the land agent for the Helena district, and contingent expenses of his office	2913 88		
Total expenses paid in the Helena district up to 1st October, 1858, under the present system........................	....	2913 88	
To pay salary of the land agent for the Pine Bluff district, and contingent expenses of his office	521 08		
Total expenses of the Pine Bluff district up to first October, 1858, under the present system........................	....	521 08	
To pay the salary of the land agent for the Jacksonport district, and the contingent expenses of his office	428 55		
Total expenses of the Jacksonport district up to 1st October, 1858, under the present system	....	428 55	
To pay the salary of the land agent for the Washington district, and the contingent expenses of his office	2468 82		
Total expenses of the Washington district up to 1st October, 1858, under the present system	....	2468 82	

No. 7. CONTINUED.

	Amounts.	Amounts.	Total.
To pay the salary of the land agent for the Dardanelle district, and the contingent expenses of his office	744 33		
Total expenses of the Dardanelle district up to 1st October, 1858, under the present system	....	744 33	
To pay the salary of the land agent for the Fayetteville district, and the contingent expenses of his office...............	184 55		
Total expenses of the Fayetteville district up to 1st October, 1858, under the present system	....	184 55	
To pay the salary of the land agent for the Little Rock district, and the contingent expenses of his office	954 32		
Total expenses of the Little Rock district up to 1st October, 1858, under the present system	....	954 32	
To pay the salary of the land agent for the Batesville district, and the contingent expenses of his office	1204 58		
To pay the engineer appointed by the govnor, in the Batesville district..........	206 00		
Total expenses of the Batesville district up to 1st October, 1858, under the present system	....	1410 58	
To pay the salary of the land agent for the Clarksville district, and the contingent expenses of his office	556 39		
To pay the engineer appointed by the governor, in the Clarksville district.......	252 00		
Total expenses of the Clarksville district up to first October, 1858, under the present system	....	808 39	
To pay the salary of the land agent for the Champagnolle district, and contingent expenses of his office	1021 69		
To pay the engineer appointed by the governor, in the Champagnolle district....	1430 50		
Total expenses of the Champagnolle district up to 1st October, 1858, under the present system	....	2452 19	
Total amount paid out as expenses up to 1st October, 1858, under the present swamp land system	....	....	25288 07
The difference in favor of the present system is..	....	....	$57404 37

W. R. MILLER, *Auditor*
of Public Accounts.

REPORT OF THE COMMISSIONER OF PUBLIC BUILDINGS.

OFFICE OF THE SECRETARY OF STATE,
Little Rock, 20th October, 1858.

To His Excellency, ELIAS N. CONWAY,
Governor of the State of Arkansas:

As ex-officio commissioner of public buildings, I consider it my duty to call your attention to the condition of the state-house. A bare inspection of the building, will make it manifest to every one that it is rapidly going to decay; and that it needs thorough, substantial, and permanent repairs, to preserve it from total ruin—something more than the mere patch-work that has heretofore, been done upon it. The details of the repairs required, I do not suggest, but their immediate and pressing necessity will be apparent, upon the slightest examination of the building.

I have thought proper to direct your attention to this subject, that you may, in your message, bring it to the notice of the General Assembly.

Respectfully,
D. B. GREER, *Secretary of State, and*
ex-officio Com. of Public Buildings.

OFFICE OF THE SEC'Y OF STATE,
Little Rock, Arkansas,
20th October, 1858.

His Excellency Gov. E. N. CONWAY:

SIR—I hand you, inclosed herewith, a letter received from the commissioner of the general land office, in relation to the transfer of the "archives" of the surveyor general's office, to the authorities of the State of Arkansas.

You will perceive, on its perusal, that some legislative action on the part of this state, will be required to carry out the provisions of the act of Congress on the subject. The letter of the commissioner is, therefore, sent to you, that you may lay it before the General Assembly, and call their attention to its object, in your message.

Respectfully,
D. B. GREER,
Sec'y of State.

General Land Office,
October 9th, 1858.

Sir—It is in contemplation to close the surveyor general's office, in the State of Arkansas, and to turn over to the authorities of that state, the archives of said office, under the provisions of the acts of Congress, 12th of June, 1840, and of the act to amend said act, approved January 22d, 1853.

It is made, however, by the 3d section of the act of 22d January, 1853, a condition precedent, that the legislature of the state shall provide, by law, for the reception and safe keeping of said archives, as public records, and by the 2d section, to provide, that under the authority of the commissioner of the general land office, the deputy or other agent of the United States, shall have free access to the field notes, maps, records and other papers of said office, for the purpose of taking extracts therefrom, or making copies thereof, free of charge of any kind.

The object of this communication is to ascertain whether any legislative act of the state has been passed, to carry into effect the acts of Congress above referred to, and if not, to invite the attention of the proper authorities of the State of Arkansas, to the subject, with a view to have such action by the legislature had in the premises, as is required by the act of Congress of the 22d January, 1853, above referred to—at the earliest opportunity, so as to enable this office to carry into effect the provisions of said act of Congress.

Very respectfully your ob't serv't,

THO'S. A. HENDRICKS,
Commissioner.

To the Secretary of State,
Little Rock, Ark.

After the message was read the Senate returned to their chamber.

Mr. Davies gave notice that he would on to-morrow or some other convenient day, during the session, introduce a bill to levy a road tax in Greene county.

Mr. Marshall gave notice that he would on Monday next, or some day thereafter, ask leave to introduce a bill for the purpose of taxing all lands subject to taxation according to their true value.

Mr. Trimble gave notice that he would on Monday next, or some other day during the session, ask leave to introduce a bill to change the time of holding the county and probate courts of Independence county.

Mr. Floyd offered the following

RESOLUTION:

Resolved, That two thousand copies of the Governor's message be printed for the use of the Senate.

Which was read.

Mr. Smithson offered to amend the resolution by inserting *three thousand* in lieu of "two thousand," which amendment was accepted by Mr. Floyd, and the resolution as amended, was then adopted.

Mr. Clark offered the following

RESOLUTION:

Resolved, That so much of the Governor's message as refers to the judicial circuits, be referred to a select committee, to consist of one Senator from each judicial circuit.

Which was read and adopted; and thereupon Mr. President appointed Messrs. Clark, Williams, McColloch, Craighead, Askew and Terry such committee.

On motion of Mr. Rosson the Senate adjourned until 10 o'clock to-morrow morning.

THOS. FLETCHER,
President.

THURSDAY, *November 4th*, 1858.

The Senate met pursuant to adjournment.

Prayer by Rev. A. H. Kennedy, chaplain.

The roll was called, and the following Senators answered to their names:

Messrs. Carrigan, Clark, Davies, Douglas, Floyd, Gaines, Hammond, Hampton, Humphreys, Jones, Marshall, McCreery, McColloch, Pennington, Redmond, Rosson, Smithson, Stirman, Terry, Trimble, Watkins, Williams and Mr. President—23.

On motion of Mr. Floyd the reading of the Governor's message, embraced in the proceedings of yesterday, was dispensed with, and the remainder of the journal was read, approved and signed.

Mr. President laid before the Senate the following list of

STANDING COMMITTEES:

On the Judiciary—Messrs. Gaines, Craighead, Floyd, Watkins, McColloch, Clark, Askew, Williams and Terry.

On the Auditor and Treasurer's Books—Messrs. Rosson, Hammond, Hampton, Trimble and Davies.

On the Militia—Messrs. Marshall, Smithson, Redmond, Jones and McCreery.

On Banks—Messrs. Floyd, Hammond, Douglas, Rosson and McColloch.

On Education—Messrs. Clark, Craighead, Stirman, Trimble and Terry.

On Internal Improvements—Messrs. Hampton, Redmond, Trimble, Williams and Carrigan.

On Ways and Means—Messrs. Redmond, Humphreys, Watkins, Terry and Askew.

On Agriculture—Messrs. Smithson, Jones, Douglas, Pennington and McCreery.

On Counties and County Lines—Messrs. Humphreys, Clark, Trimble, Rosson and McColloch.

On Public Roads—Messrs. Stirman, Floyd, Smithson, Terry and Davies.

On Enrolled Bills—Messrs. Trimble, Watkins, Douglas, Askew and Carrigan.

On Elections—Messrs. McColloch, Stirman, Humphreys, Craighead and Redmond.

On Public Printing—Messrs. Terry, Floyd, Hampton, Marshall and Redmond.

On the Penitentiary—Messrs. Watkins, Stirman, McColloch, McCreery and Williams.

On Claims—Messrs. Williams, Humphreys, Hampton, Craighead and Davies.

On Memorials—Messrs. Craighead, Askew, Smithson, Davies and Terry.

On Public Buildings—Messrs. Carrigan, Marshall, Douglas, Jones and Terry.

On Public Expenditures—Messrs. Pennington, Floyd, Askew, Douglas and Davies.

On *Swamp and Overflowed Lands*—Messrs. Hammond, Hampton, Craighead, Gaines and Rosson.

On motion of Mr. Gaines the petition of Alice O'Bannon, presented by him on yesterday, was referred to the committee on swamp and overflowed lands.

Mr. Gaines offered the following

RESOLUTION:

Resolved, That so much of the Governor's message as relates to the geological survey of the state, be referred to a select committee of seven members of the Senate, to be appointed by the President, and to be composed of Senators from different sections of the state.

Which was read and adopted; and thereupon Mr. President appointed Messrs. Gaines, Hammond, Douglas, Watkins, McCreery, McColloch and Davies such committee.

Mr. Floyd offered the following

RESOLUTION:

Resolved, That 1,500 copies of the accompanying documents to the Governor's message be printed for the use of the Senate.

Which was read.

Mr. Gaines offered to amend the resolution by inserting 2,000 in lieu of 1,500, which amendment was accepted by Mr. Floyd, and the resolution as amended was then adopted.

Mr. Clark introduced Senate joint resolution No. 5, to-wit:

Resolved, That our Senators be instructed, and our Representatives in Congress requested to use their influence with the Postmaster General, to procure the establishment of a semi-weekly mail in two-horse coaches from Fort Smith, in Sebastian county, Arkansas, to Washington, in Hempstead county, by way of the county seats of Sebastian and Scott counties.

Which was read the first time and passed to the second reading under the rule.

Mr. Marshall was called to the chair.

Mr. Floyd introduced Senate joint resolution No. 6, to-wit:

Whereas, It is contemplated, or understood to be the intention of the government of the United States to give aid to encourage the building of a national railroad from some point west of the State of Missouri, to San Francisco, in the State of California, forming a junction east of the Rocky mountains, which will connect the Atlantic and Pacific oceans, by a continuous chain of railways: *And, whereas,* It is a subject of great magnitude to the future interests and development of the rich resources of the State of Arkansas, that one of the termini of said Pacific railroad should be commenced at the town of Hopefield, on the Mississippi river, opposite the city of Memphis, thence on the present railroad survey to Fort Smith, taking for its direction on what is called the 35th parallel, on the survey made by Lieutenant Whipple, which is known to be by many miles the shortest route; estimated at two hundred and fifty-three miles shorter than any other surveyed route, and passing through a region with a larger portion of wood, water and cultivatable lands, than any other route now proposed, passing through a region of country upon which a railroad can be built at a greatly reduced cost over any other route—therefore,

Be it resolved by the General Assembly of the State of Arkansas, That our Senators in Congress are hereby instructed, and our Representatives in Congress are hereby requested to use all legitimate means within their power, with the proper authorities, and the Congress of the United States, to procure all the aid that can be obtained to cause the great overland railroad to the Pacific ocean to be constructed on or near the 35th parallel of latitude.

Which was read the first time and passed to the second reading under the rule.

Mr. Floyd then offered the following

RESOLUTION:

Resolved, That a committee of three be appointed to collect all the facts and information that can be procured for the purpose of showing the feasibility of building the great Pacific railroad on the 35th parallel of latitute, and make due report thereof as soon as practicable for the use of the Senate.

Which was read and adopted; and thereupon Mr. President appointed Messrs. Floyd, Humphreys and Redmond such committee.

Mr. Davies introduced Senate joint resolution No. 7, to-wit:

Resolved, That our Senators in Congress are instructed, and our Representatives requested to use their influence to procure the passage of an act of Congress making an appropriation of twenty thousand dollars for the improvement of the navigation of the St. Francis river from Wittsburg, Arkansas, to Chalk Bluffs, Arkansas.

Which was read the first time.

On motion of Mr. Clark the rules were suspended and the resolution read the second time.

Mr. Redmond offered to amend by adding thirty thousand dollars for the improvement of White river.

Mr. Stirman offered to amend the amendment by adding fifty thousand dollars for the improvement of the Arkansas river, which was accepted by Mr. Redmond, and the amendment as amended was then adopted.

Mr. Hammond offered to amend the resolution further by adding ten thousand dollars for the improvement of the Ouachita river from the state line to Rockport, which amendment was adopted.

Mr. Williams offered to amend the resolution further, by adding one hundred thousand dollars for the improvement of White river from the mouth to Tolbert's ferry; which amendment was also adopted.

On motion of Mr. Gaines the resolution was read as amended; whereupon Mr. Gaines moved to amend the same further, by adding:

And that they be further requested to ask a grant to this state of the arsenal at Little Rock and the barracks and public grounds at Fort Smith.

On motion of Mr. Floyd the resolution and amendment were referred to the committee on memorials.

Mr. Trimble gave notice that he would on to-morrow ask leave to introduce a bill to change the time of electing Representatives in Congress.

Mr. Douglas gave notice that he would on Monday next, or some convenient day thereafter, introduce a bill to abolish peremptory challenges of jurors in criminal cases; also, a bill to change the time of holding the probate court of Benton county.

No. 2. Mr. Floyd, on leave, introduced a bill to be entitled an act to define the punishment for the crime of assault and battery; which was read the first time.

On motion of Mr. Floyd the rules were suspended, the bill read the second time by title, and referred to the committee on the judiciary.

No. 3. Mr. Hampton, on leave, introduced a bill to be entitled an act to distribute the new Digest of the Statutes of Arkansas; which was read the first time.

On motion of Mr. Hampton the rules were suspended, the bill read the second time by title, and referred to the committee on the judiciary.

Mr. Williams presented the petition of Elvira H. Brown, of Marion county, Arkansas, representing that she is the widow of Wm. M. Brown, late sheriff of said county, and that in her settlement with the state as administratrix of the estate of her said husband, she was not credited with the sum of $45 00, justly due her, and praying the General Assembly to make an appropriation to her of that amount.

No. 4. Said petition was accompanied by a bill to be entitled an act to grant relief to Elvira H. Brown, administratrix of the estate of William M. Brown, late sheriff of Marion county, Arkansas; which was read the first time.

On motion of Mr. Williams the rules were suspended, and the bill read the second time by title; and on motion of Mr. Clark it was referred to the committee on claims.

No. 5. Mr. Floyd, on leave, introduced a bill to be entitled an act to regulate the practice, and more particularly define the mode of punishment for all misdemeanors less than felony; which was read the first time.

On motion of Mr. Floyd the rules were suspended, the bill read the second time by title, and referred to the committee on the judiciary.

Mr. McColloch gave notice that he would on Monday next, or on some other day during the session introduce a bill to allow widows dower in the *choses in action* of their deceased husbands.

Mr. Hammond gave notice that he would on Monday next, or on some other day during the session, introduce a bill to amend the common school law of the State of Arkansas.

No. 6. Mr. Floyd introduced a bill to be entitled an act to cause all school funds to be paid directly to the commissioners of common schools in the several counties; which was read the first time.

On motion of Mr. Floyd the rules were suspended, the bill read the second time by title, and referred to the committee on education.

Mr. Stirman, on leave, offered the following series of

RESOLUTIONS:

Resolved, That so much of the governor's message as relates to banks, be referred to the committee on banks.

That so much as relates to swamp, internal improvement, and state lands, be referred to the committee on swamp and overflowed lands.

That so much as relates to railroads, be referred to the committee on internal improvements.

That so much as relates to apportionment, be referred to the committee on apportionment.

That so much as relates to public buildings, be referred to the committee on public buildings.

That so much as relates to auditor and treasurer's report, be referred to the committee on auditor and treasurer's books.

That so much as relates to the penitentiary, be referred to the committee on the penitentiary.

Which were read; when Mr. Gaines moved to amend, as follows:

Resolved, also, That so much of the governor's message as relates to the judicial department; except that already referred to a select committee, be referred to the committee on the judiciary.

Which amendment was adopted; and on motion of Mr. Hampton, the resolutions, as amended, were then adopted.

Mr. Hammond offered the following

RESOLUTION:

Resolved, That the letter of the commissioner of the general land office, which is appended to the governor's message, be refered to the committee on ways and means.

Which was read and adopted.

No. 7. Mr. Floyd introduced a bill, to be entitled an act to regulate and prescribe the fees of the attorneys prosecuting for the state, in criminal cases; which was read the first time.

On motion of Mr. Floyd, the rules were suspended, the bill read the second time, by title, and referred to the committee on the judiciary.

On motion of Mr. Humphreys, the unfinished business was taken up.

Senate bill No. 1, to be entitled an act to redeem certain bonds issued by the State of Arkansas, to put the State Bank into operation, and to make appropriation therefor, was taken up and read the second time, by title.

Mr. Humphreys moved to print two hundred copies of the bill for the use of the Senate.

Mr. Gaines moved to refer the bill to the committee on banks; which motion prevailed, and the order to print was not made.

On motion of Mr. Gaines, Mr. Humphreys was added to the committee on banks.

The following message was received from the House of Representatives, by the clerk:

Mr. President—

I am instructed to inform your honorable body that the House of Representatives have passed the following resolution:

Resolved, That the Speaker appoint a committee of five on the part of the House of Representatives, to act with such committee as may be appointed by the Senate, to investigate and report on the landed interests of the state, and that said committee have power to send for books and papers, and if necessary, to employ a clerk.

The committee on the part of the House consists of Messrs. Anderson of Greene, McCammon, Wilson, Abbott and Carroll.

The House have also adopted the following resolution:

Resolved, That a committee of five be appointed by the chair, to act with such committee as may be appointed by the Senate, to draft rules to govern the intercourse of the two houses.

Said committee, on the part of the House, consists of Messrs. Montgomery, Green, Newton, Killgore and Doak.

The following resolution has also been adopted by the House:

Resolved, That by, and with the consent of the Senate, we go into the election for United States Senator, on the 15th day of November, at 9 o'clock, p. m.

And the concurrence of your honorable body is respectfully asked in said three resolutions.

S. M. SCOTT, *Clerk of*
House of Representatives.

Mr. President resumed the chair.

On motion of Mr. Clark, the resolution of the House, relative to the appointment of a joint select committee on the landed interests of this state, was taken up and concurred in; and the Senate joint resolution on the same subject, was withdrawn, by consent of the Senate.

Mr. President appointed as such committee, on the part of the Senate, Messrs. Clark, Redmond and McColloch.

Mr. Floyd offered the following

RESOLUTION:

Resolved, That the committee on judicial circuits, appointed on yesterday, be made a joint committee, and that the House of Representatives be requested to concur herein.

Which was read and adopted.

Mr. Stirman gave notice that he would, on Saturday next, or on some convenient day of the session thereafter, introduce a bill to repeal the law constituting Pettit Jean river a navigable stream.

Mr. McCreery gave notice that he would, on Monday next, or some early day thereafter, introduce a bill to aid the agricultural and mechanical interests of this state.

On motion of Mr. Rosson, the Senate adjourned until 10 o'clock to-morrow morning.

THOS. FLETCHER,
President.

FRIDAY, *November 5th*, 1858.

The Senate met pursuant to adjournment.

Prayer by Rev. A. H. Kennedy, chaplain.

The roll was called, and the following Senators answered to their names:

Messrs. Carrigan, Clark, Davies, Douglas, Floyd, Gaines, Hammond, Hampton, Humphreys, Jones, Marshall, McCreery, McColloch, Pennington, Redmond, Rosson, Smithson, Stirman, Terry, Trimble, Watkins, Williams and Mr. President—23.

The journal of yesterday was read, approved and signed.

On motion of Mr. Gaines, the petition of H. Jacobi, presented by him on Wednesday last, was taken up and referred to the committee on public printing.

Mr. President announced the following standing committee on apportionment:

Messrs. Davies, Douglas, Gaines, McColloch and McCreery.

Mr. Rosson, from the joint select committee on the part of the Senate, appointed to prepare rules and joint rules, made the following

REPORT:

MR. PRESIDENT—

The joint select committee appointed to prepare rules and joint rules, have performed that duty, and have instructed me to report the following, for the government of the two houses, and of the Senate during the present session.

SIMEON E. ROSSON,
Chairman.

JOINT RULES OF THE SENATE AND HOUSE OF REPRESENTATIVES.

1. When the business requires the attendance of the Senate in the representative hall, they, with the Secretary, shall be conducted within the bar, and there seated.

2. When a message shall be sent by the Senate to the House of Representatives, it shall be announced at the door by the Door-keeper, be respectfully communicated to the Speaker, by the person by whom it may be sent, and a copy thereof be deposited at the Clerk's table.

3. The same ceremony shall be observed when a message is sent by the House of Representatives to the Senate.

4. Messages to either house shall be conveyed by the Secretary of the Senate or Clerk of the House of Representatives.

5. After a bill shall have passed both houses, it shall be enrolled by the clerk of that in which it originated.

6. When bills are enrolled, they shall be examined by a joint committee, consisting of three members on the part of the Senate, and three from the House of Representatives, to be appointed as a standing committee for that purpose, whose

duty it shall be to compare the enrolled with the engrossed bill, as passed by the two houses, correct any errors that may be discovered, and report forthwith to their respective houses, stating such errors as may be corrected by them.

7. After examination and report, each bill shall be signed, first by the Speaker of the House of Representatives, and then by the President of the Senate.

8. After a bill shall have been signed by the Speaker of the House of Representatives and the President of the Senate, it shall be delivered by the joint committee on enrollments to the governor, and report to each house, respectively, the day on which such bill or bills were delivered; which report shall be entered on the journals.

9. When amendments are proposed to a bill in one house, and dissented to in the other, if the house proposing the amendment insists on it, while the other refuses to concur therein, either house may appoint a committee of conference, which shall be responded to by the other appointing a committee for the same purpose; and such joint committee shall meet, and, after conferring upon the subject of disagreement, report the result of their deliberations to their respective houses.

10. When a bill or resolution, which shall have passed in one house, shall be rejected in the other, notice thereof shall be given to the house in which the same originated.

11. The Secretary of the Senate or Clerk of the House, if directed by either house, shall deliver a copy of each bill, after its first reading, to the public printer, who shall print —— copies thereof for the use of its members.

12. All bills, memorials or resolutions ordered to be engrossed, shall be engrossed by the clerk of the house in which the same originated.

After the foregoing joint rules were read, the same, on motion of Mr. Rosson, were adopted by the Senate, for the government of the intercourse of the two houses during the present session.

RULES AND ORDERS FOR THE GOVERNMENT OF THE SENATE.

1. The President shall take the chair every day at the hour to which the Senate shall have been previously adjourned; and on taking his seat, call the Senate to order; and if there be a quorum present proceed to business.

2. When a majority of the members present shall deem it necessary, they shall have power to send the sergeant-at-arms, or any other person or persons, to compel the attendance of absent members.

3. Each morning, as soon as there be a quorum present, the President shall cause the Secretary to read the journal of the preceding day, that the same, if there be any errors, may be amended.

4. No member shall absent himself from the Senate, without leave, unless he be sick or unable to attend.

5. Every member, when he speaks, shall address the President, standing in his place, and shall avoid personalities.

6. No member shall speak more than twice to any one question, motion, resolution or bill, without leave of the Senate; except a bill be amended, and then he may speak to the amendments.

7. When two members rise at the same time, the President shall name the person to speak; but in all cases, the member who shall first rise and address the President, shall speak first.

8. When a member shall be called to order by the President, or a senator, he shall sit down, unless permitted to explain; and every question of order shall be decided by the President, without debate, subject to an appeal to the Senate; and the President may call for the voice of the Senate on any question of order. If there be no appeal, the decision of the chair shall be submitted to. If the decision be in favor of the member called to order, he shall be at liberty to proceed; in case any member object, he shall not proceed without leave of the Senate.

9. If the member be called to order for words spoken in debate, the exceptionable words shall be immediately taken taken down in writing, that the President may be better enabled to judge whether they are exceptionable or not.

10. No person shall call for the yeas and nays after the question has been decided.

11. No member in the minority of any vote declared, shall have the right to move for a reconsideration thereof; but a member who votes in the majority may move for a reconsideration; *Provided*, Said move is made that day, or the day following.

12. Any member may excuse himself from serving on a committee, if, at the time of his appointment, he shall be a member of more than two committees, by consent of the Senate.

13. It shall be the duty of the President to preserve order, and he shall have the privilege to rise and speak to all questions of order, in preference to any other member of the Senate, and shall decide all questions of order, subject to an appeal to the Senate.

14. Every member present, when a vote upon any question is taken, shall vote, unless he be excused by the Senate, or be interested.

15. When a motion is made and seconded, it shall be reduced to writing, if desired by the President, or any member of the Senate; if not in writing, it shall be stated to the Senate by the President; if in writing, it shall be read aloud by the Secretary, previous to the vote being taken thereon.

16. When a motion is stated by the President, or read by the

Secretary, it shall be deemed to be in possession of the Senate, but may be withdrawn at any time before a decision or amendment, by the consent of the Senate.

17. A motion to adjourn shall always be in order, (unless in committee of the whole,) and shall be decided without debate.

18. No motion or proposition on a subject different from that under consideration, shall be admitted under color of amendment.

19. When a question is before the Senate, no motion shall be received, unless it be for the previous question, to postpone, commit, amend the main question, or adjourn. All questions shall be decided in the order in which they are moved, and in the filling of blanks, the largest sum and longest time shall be first put.

20. All questions shall be put in this form, to-wit: "You who are of the opinion, (as the case may be,) say yea; of a contrary opinion, say no;" and, in doubtful cases, the President may direct, or any member present, may call for a division.

21. The previous question shall be put in these words, to-wit: "Shall the main question be now put?" It shall be admitted only upon the demand of two members, and, until decided, shall preclude all amendments and further debate on the main question.

22. Any member shall have the right to call for a division of the question; but the Senate shall have the right to determine whether the question admits of division or not

23. In all cases of ballot by the Senate, and on questions where the yeas and nays are called for, the President shall vote, he being the last in voting.

24. All committees shall be nominated by the President, unless otherwise determined by the Senate; in which case, they shall be selected by ballot, and if there are not a sufficient number elected on first ballot, the Senate shall proceed to a second ballot, and proceed to ballot until there are a sufficient number selected, the number to be determined in such case by the Senate. Any member shall have the right to move that a senator, that he believes would be an advantage to a committee, be added thereto; but the Senate shall have the right to determine whether he be added or not.

25. No committee shall sit during the sitting of the Senate, without special leave first had and obtained from the Senate.

26. In forming a committee of the whole, the President shall leave the chair, and appoint a chairman to preside.

27. The rules of proceeding in the Senate, shall be observed in committee of the whole, as far as they may be applicable; but no member's name shall be entered on the journal, who moves to amend a bill in committee of the whole; nor shall the yeas and nays be called for and entered upon the journal, for it is but the proceeding of a committee, not of the Senate.

No previous question can be put in this committee; nor can this committee adjourn as others may; but if their business is unfinished, they rise on a question, the Senate is resumed, the chairman reports, that the committee of the whole have, according to order, had under consideration, such a motion, and have made progress therein; but not having time to go through the same, have directed him to ask leave to sit again; whereupon the question is put, upon their having leave, and the time when the Senate will again resolve itself into the committee of the whole; but if the committee have completed the business referred, a member moves that the committee arise, and that the chairman report the proceedings of the committee to the Senate. The chairman then states that the committee have completed the business referred to them, and that he is ready to make report, when the Senate shall think proper to receive it.

28. In all cases, the whole bill, resolution, paper, or address, is to be read, and the secretary shall read it by paragraphs, pausing at the end of each, for amendments, until the whole has been read; the question is put, on the whole agreeing to it, as amended or unamended. The bill is not to be interlined, or defaced, but all amendments, noting the page and line, shall be duly entered by the secretary, on a separate paper, as the same may be agreed to by the committee, and so reported to the Senate; after report, the bill shall again be subject to debate, and amended by clauses, before a question to engross it be taken.

29. When a vote is once passed in this committee, it cannot be altered but by the Senate, their votes being binding on themselves.

30. A majority of all the committees constitutes a quorum to do business, and have full power over the paper or bill referred, except, they cannot change the title or subject.

31. Every bill originating in the Senate, shall be introduced by the leave of the Senate, or by the order of the Senate. And every bill so introduced, shall be read on three different days, unless two-thirds of the Senate, when the same is pending, shall suspend the rules thereof; nor shall any bill pass the Senate without having been read three several times.

32. The first reading of the bill shall be for information; and, if objection shall be made to it, the question shall be, "Shall the bill be rejected?" If no objections be made, and the question to reject be lost, the bill shall go to its second reading without a question.

33. Upon the second reading of the bill, the President shall state that it is ready for commitment or engrossing; and, if committed, then the question shall be whether to a select committee, a standing committee, or a committee of the whole. If to the committee of the whole, then the Senate shall determine

on what day; but if the bill be ordered to be engrossed, the Senate shall appoint the day upon which it shall be read a third time.

34. A bill, after commitment on report thereof, may be recommitted at any time before its passage.

35. If an amendment be proposed inconsistent with one already agreed to, it is a fit ground for its rejection by the Senate.

36. Every order, resolution, or vote, to which the concurrence of the House of Representatives shall be necessary, shall be read to the Senate, and laid on the table on a day preceding that in which the same shall be moved, unless the Senate shall otherwise expressly allow.

37. No standing rules of the Senate shall be revised or amended, without one day's notice be given of the motion thereof. And then, not without the concurrence of two-thirds of the Senate.

38. Whenever any officer, civil or military, shall be appointed by a joint or concurrent vote of both houses, or by a separate vote of the Senate, the vote shall be taken *viva voce*, and entered in the journal.

39. Whilst the President is putting any question, or addressing the Senate, no senator shall walk out or across the Senate, nor whilst a member is speaking, pass between him and the President.

40. The person first named on each committee, shall be the chairman of that committee, until otherwise determined by the committee, and the secretary shall deliver all papers, referred to that committee, to him.

41. All the proceedings of the Senate, when not acting in committee of the whole, shall be entered on the journal as concisely as possible, care being taken to detail a true and accurate account of the proceedings, but every vote of the Senate shall be entered upon the journal, and a brief statement of the contents of each petition, memorial or paper presented to the Senate, shall, also, be inserted in the journal.

42. The President of the Senate shall, at the commencement of each session, appoint the following committees, to consist of such number as he or the senate may deem necessary, on each committee, with leave to report by bill or otherwise, to-wit:

On the Judiciary.
On the Auditor and Treasurer's books.
On the Militia.
On Banks.
On Education.
On Internal Improvements.
On Ways and Means.
On Counties and County Lines.
On Agriculture.

On Apportionment (every four years).
On Public Roads.
On Enrolled Bills.
On Elections.
On Public Printing.
On the Penitentiary.
On Claims.
On Memorials.
On Public Buildings.
On Public Expenditures.

43. THE BUSINESS OF THE DAY.

1. The journal is read.
2. Petitions from counties will be in order.
3. Memorials will be in order.
4. Motions and resolutions will be in order.
5. Reports from standing committees will be in order.
6. Reports from select committees will be in order.
7. The introduction of bills.
8. Bills from the House of Representatives, and those introduced on leave, which have been read a first time, and a second time.
9. Engrossed bills on the third reading are put upon their passage.

44. On a motion to strike out and insert, it shall not be in order to move for a division of the question, but the rejection of a motion to strike out and insert one proposition, shall not prevent a motion to strike out and insert a different proposition, nor prevent a subsequent motion, simply to strike out, nor shall the rejection of a motion simply to strike out, prevent a subsequent motion to strike out and insert.

45. It shall always be in order for the committee on enrolled bills to report.

46. Messages may always be introduced, except while a question is being put, or while the yeas and nays are being taken.

After the foregoing rules for the Senate were read, Mr. Clark moved to amend No. 17, by striking out the words " the motion to lay on the table."

Which amendment was adopted.

Mr. Douglas offered to amend the rules by an additional one, to-wit:

No. —. No person shall be permitted to smoke in the Senate chamber during the session of the Senate.

Mr. Smithson offered to amend the amendment by adding:

And that no member of the Senate shall chew tobacco.

On motion of Mr. Floyd, the amendments were laid on the table.

Mr. Williams moved to amend rule No. 12, by striking out the words "if at the time."

And Mr. Hammond moved to amend the same rule by inserting "when a member of three," instead of two committees.

After some discussion the amendments were, on motion of Mr. Humphreys, laid upon the table.

On motion of Mr. Rosson, the rules, as amended, were adopted by the Senate for its government during the present session.

Mr. Rosson offered the following

RESOLUTION:

Resolved, That one hundred copies of the rules of the Senate, with the joint rules of the two houses appended, be printed for the use of the Senate.

Which was read and adopted.

Mr. Floyd offered the following

RESOLUTION:

Resolved, That a list of the standing committees be printed with the rules of the Senate.

Which was read and adopted.

The following Message was received from the House of Representatives by the clerk:

Mr. President—

I am instructed to inform your honorable body that the House have adopted the following joint resolution:

Resolved, That the committee on auditor and treasurer's books be made a joint committee; and that the concurrence of the Senate be requested herein.

Said resolution is herewith transmitted for the concurrence of your honorable body, which is respectfully asked.

S. M. SCOTT, *Clerk of*
House of Representatives.

Mr. Marshall presented the memorial of Philip Van Patten, representing to the Senate as follows, to-wit:

"That at the general election, held in the State of Arkansas on the first Monday of August, A. D. 1858, for Members of this honorable body, and other officers, he was duly elected to the office of State Senator from the counties of St. Francis and Poinsett, and received a majority of the votes cast in said senatorial district, and such fact appeared from the returns sent to the clerks of Poinsett and St. Francis counties, by the judges of the several election precincts in said counties, but by mistake the clerk of Poinsett county, in casting up and declaring the total number of votes, made a clerical misprison, and declared that in the county of Poinsett your said memorialist received four hundred and seventy-four votes, and his competitor, William A. Jones, received two hundred and forty votes, and returned and made known such fact to the clerk of St.

Francis county, as it was his duty to make return of the number of votes cast in the county of Poinsett, inasmuch as the county of St. Francis was first named in the writ of election.

Your memorialist would further show that he received for the office of State Senator, four hundred and two votes, and his competitor, William A. Jones, received six hundred and forty-one votes, in the county of St. Francis; and taking the return of the clerk of Poinsett county, as to the number of votes cast for your memorialist and his competitor, in Poinsett county as correct, your memorialist received in the whole senatorial district aforesaid, eight hundred and seventy-six votes, and William A. Jones received eight hundred and eighty-one votes, being a majority of five votes in favor of William A. Jones. And the clerk of St. Francis county, acting upon such basis, so found that William A. Jones had received a majority of five votes over and above your memorialist, and was therefore duly elected a member of this honorable body, from the counties of St. Francis and Poinsett, and issued and granted to said William A. Jones, his certificate of election to that effect, who, upon the faith thereof, now claims and holds his seat in your honorable body as the senator from said counties—whereas, your memorialist says that the said William A. Jones is not entitled to a seat as such senator, but that on the contrary, your memorialist is the duly elected senator from said counties, and alone entitled in your honorable body to a seat as such, for he avers the fact to be that the clerk of Poinsett county, in casting up and declaring from the poll books returned to him by the judges of the election in Poinsett county, of the votes therein cast, for the office of State Senator, from the counties of St. Francis and Poinsett, made a mistake and clerical misprison in this, to-wit: The clerk found and declared that your memorialist had received, in that county, for said office, four hundred and seventy-four votes, and that his competitor, William A. Jones, had received two hundred and forty votes; whereas, in truth and in fact, the said William A. Jones had only received two hundred and thirty votes, which, added to six hundred and forty-one votes, received by him in St. Francis county, make the amount of eight hundred and seventy-one votes cast for William A. Jones, as such senator, instead of eight hundred and eighty-one votes, as found and declared by the clerk of St. Francis county, and inasmuch as your memorialist received eight hundred and seventy-six votes in said two counties, he was duly elected senator therefrom, by a majority of five votes.

Your memorialist further represents that the clerk of Poinsett county being informed that he had made such error in estimating and declaring the number of votes cast for the office of senator, as aforesaid called to his assistance two duly elected, qualified and commissioned and acting justices of the peace, in said county, to-wit, Alexander B. Scott and Joseph M. Terry, and in the time, place and in all respects according to the statute in such case made and provided, and with their aid and in their presence added up and counted anew the number of votes cast in Poinsett county, for the office of State Senator, whereupon the mistake aforesaid fully appeared, and was made known, and the same was accordingly certified by said clerk and justices of the peace, in strict conformity to law to the secretary of state for the State of Arkansas, as will fully appear by reference to a certified copy thereof, under the hand and official seal of said secretary, which is hereto annexed, marked A, together with a certified copy of the official vote given in the county of St. Francis aforesaid, for the office of State Senator aforesaid.

Your memorialist would further represent that within the time prescribed by the statute in such case, made and provided, he gave due notice in writing, to the said William A. Jones, that he intended to contest his pretended election upon the error made by the clerk of Poinsett county in calculating the number of votes cast in said county for the office of State Senator, as aforesaid, and further, that he should contest his right to sit as such senator, on account of illegal votes cast for said William A. in said election, and for irregularity and illegality in conducting the same—and that he should take depositions to prove the same—said notice specifying the time and place of taking said depositions, and the names of two justices, before whom they would be taken—according to which notice said William A. Jones appeared at the time and place specified, together with your memorialist; and your memorialist out of abundant caution established the above errors in calculation, made by the clerk of Poinsett county, as aforesaid, (although, as your memorialist is informed, and believes it was unnecessary, as the amended return made by the clerk of Poinsett county clearly established that fact,) and further proved that some eight or nine illegal votes had been cast in favor of William A. Jones, contrary to law, for the office of State Senator, as aforesaid. So that in any event your memorialist is entitled to a seat in your honorable body as senator from the counties of St. Francis and Poinsett, elected according to law, by a majority of the legal voters of said counties. All of which is abundantly proven by the depositions herewith presented. In view of which facts your memorialist humbly prays your honorable body to declare that William A. Jones is not the legally elected senator from the counties of St. Francis and Poinsett, and has no right to a seat in your honorable body as such, but, on the contrary, your memorialist is the duly elected senator from said counties, and entitled to take his seat as such in your honorable body—and as in duty bound your memorialist will ever pray, etc.

PHILIP VAN PATTEN.

MALLORY AND WATKINS & GALLAGHER, Solicitors.

Mr. Marshall at the same time, presented a paper, accompanying said memorial, marked "A," being the following certificates, viz:

STATE OF ARKANSAS, } ss.
COUNTY OF ST. FRANCIS. }

We, George B. Michie, clerk of the circuit court and ex-officio clerk of the county court, within and for said county, and Orville B. Coldwell, an acting justice of the peace, in and for said county, and John Holbert, a householder, having the qualification of electors of said county, having on this day at the court-house in and for said county, opened and compared the several returns of the general election held in said county on the first Monday in August, A. D. 1858, do find and hereby certify, that from the returns aforesaid, it appears that William A. Jones, received six hundred and forty-one (641) votes, and Phillip Van Patten, received four hundred and two (402) votes, for State Senator to represent the senatorial district, composed of the counties of St. Francis and Poinsett.

Given under my hand this 4th day of August, A. D. 1858.

GEORGE B. MICHIE, *Clerk.*
O. B. COLDWELL, *J. P.*
JOHN HOLBERT.

STATE OF ARKANSAS, }
COUNTY OF ST. FRANCIS. }

I, George B. Michie, clerk of the circuit court and ex-officio clerk of the county court, within and for said county, do hereby certify that the above and foregoing is a true and correct abstract of the vote cast at the general election held in said county, on the first Monday in August, A. D. 1858, for State Senator, as the same appears from the several returns now on file in my office.

IN TESTIMONY WHEREOF, I have hereunto set my hand as clerk [L. S.] as aforesaid, and affixed the seal of our said county court at office, the 4th day of August, A. D. 1858.

GEORGE B. MICHIE, *Clerk.*

STATE OF ARKANSAS,
COUNTY OF POINSETT.

I, Robert H. Stone, clerk of the circuit court and ex-officio clerk of the county court, within and for the county aforesaid, and Alexander B. Scott and Joseph M. Terry, two justices of the peace for said county, do hereby certify to the clerk of the circuit court of St. Francis county, in the State of Arkansas, that the poll books from the several townships returned into the clerks office of the Poinsett county court, of the general election holden in said county of Poinsett, on the first Monday in August A. D. 1858, were opened and examined by us the 5th day of August, A. D. 1858, and do further certify that it appears from said poll books, that Phillip Van Patten received four hundred and seventy-four (474) votes, and Wm. A. Jones received two hundred and thirty (230) votes, for State Senator from the district composed of the counties of Poinsett and St. Francis.

Given under our hands this 24th day of August, A. D. 1858.

ROBERT H. STONE, *Clerk*,
By M. W. LEWIS, *D. C.*
ALEXANDER B. SCOTT, *J. P.*
JOSEPH M. TERRY.

STATE OF ARKANSAS,
COUNTY OF POINSETT.

I, Robert H. Stone, clerk of the circuit court and ex-officio clerk of the county court, in and for said county of Poinsett, do hereby certify that the annexed and foregoing is a true and correct copy of the abstracts of the several poll books from each of the townships, of the general election begun and held in the county of Poinsett, and State aforesaid, on the first Monday in August, A. D. 1858, for State Senator from the district composed of the counties of St. Francis and Poinsett, that is on file in my office.

IN TESTIMONY WHEREOF, I have hereunto set my hand as clerk [L. S.] of said court, and affixed the seal of office, at my office, this 24th day of August, A. D. 1858.

ROBERT H. STONE, *Clerk*,
By M. W. LEWIS, *D. C.*

STATE OF ARKANSAS,}
COUNTY OF ST. FRANCIS. }

I, George B. Michie, clerk of the circuit court and ex-officio clerk of the county court, in and for said county, do hereby certify that the above and foregoing is a true and perfect copy of the last certified copy of the abstract of the vote cast for Senator in the county of Poinsett and State of Arkansas, at the late general election held in said county of Poinsett on the first Monday of August, A. D. 1858, the same having been received and filed in my office on the 8th day of September, A. D. 1858, as the same remains on file in my office.

IN TESTIMONY WHEREOF, I have hereunto set my hand and [L. S.] affixed the seal of our said county court, at office in Madison, this 16th day of October, A. D. 1858.

GEORGE B. MICHIE, *Clerk*,
By T. J. HANEY, *D. C.*

I certify that the foregoing is truly copied from the original in my office.

D. B. GREER,
Secretary of State.

The memorial having been read, on motion of Mr. Floyd it was referred, with said certificates, to the committee on elections.

On motion of Mr. Floyd the resolution of the House proposing to go into the election of United States Senator on the 15th of November, at 9 o'clock p. m. was taken up.

Mr. Hampton moved to amend by striking out the 15th and inserting the 8th of November.

Mr. Floyd offered to amend the amendment by adding "at 11 o'clock a. m.," which was accepted by Mr. Hampton.

Mr. McCreery moved to amend the resolution by inserting "the 8th of January next at 11 o'clock a. m.," in lieu of "the 15th of November at 9 o'clock p. m."

Which latter motion having precedence under the rules, was first put to the Senate and lost.

On motion of Mr. Floyd the amendment of Mr. Hampton as amended was then adopted.

Mr. Rosson was called to the chair.

No. 8. Mr. Floyd introduced a bill to be entitled an act to exclude from residing in the State of Arkansas all free colored persons, mulattoes and negroes of the African race, and for other purposes.

Read the first time.

On motion of Mr. Floyd the rules were suspended, the bill read the second time by title, and referred to the committee on the judiciary.

On his further motion two hundred copies of said bill were ordered to be printed for the use of the Senate.

No. 9. Mr. Stirman introduced a bill to be entitled an act in reference to harboring and concealing runaway slaves.

Read the first time.

On motion of Mr. Stirman the rules were suspended, the bill read the second time by title and referred to the committee on the judiciary.

Mr. Carrigan gave notice that he would on Tuesday next or some convenient day thereafter, introduce a bill to amend the estray laws of this state.

No. 10. Mr. Hampton introduced a bill to be entitled an act to relieve certain purchasers of land from the state.

Read the first time.

On motion of Mr. Clark the rules were suspended, the bill read the second time by title, and referred to the committee on ways and means.

Mr. Gaines offered the following joint

RESOLUTION:

Resolved, With the concurrence of the House of Representatives, that the two houses will on Monday next at 11 o'clock a. m., go into the election of a judge of the supreme court as the successor of the Hon. C. C. Scott.

Which was read and adopted.

Mr. Clark offered the following

RESOLUTION:

Resolved, That the secretary of state be requested to furnish the committee on education with the different systems of common schools of the several states and the most approved system of normal schools in other states, and also all such other laws on the subject of education as may be in his office or under his control.

Which was read and on motion of Mr. Floyd adopted.

Mr. Floyd offered Senate joint resolution No. 9, to-wit:

Resolved by the General Assembly of the State of Arkansas, That our Senators in Congress are hereby instructed and our Representatives, are hereby requested to procure a daily mail, to be delivered in twenty-four hours, from Memphis by railroad to Madison, and by four horse post coaches from thence to Little Rock, requiring the contractor to carry the whole mail destined for Little Rock, and to be distributed for the western counties and the Indian nation.

Which was read the first time and took its course under the rules.

Mr. Stirman gave notice that he would, on some convenient day during the ensuing week, introduce a bill to prevent the circulation of state bank paper in this state.

Mr. Carrigan gave notice that he would, on Tuesday next, or some day thereafter, introduce a bill to amend the law in relation to marriages.

Mr. Pennington gave notice that on to-morrow, or some day soon, he would introduce a bill to amend section 3, of chapter 148, of the Digest of the Statutes of Arkansas.

No. 11. Mr. McColloch introduced a bill to be entitled an act to legalize the sales of section 16, township 12 south, range 14 west, in Calhoun county.

Read first time.

On motion of Mr. McColloch, the rules were suspended, the bill read the second time by title and referred to the committee on education.

Mr. Douglas gave notice that he would, on Monday next, or some convenient day thereafter, introduce a bill to be entitled an act to transport the free negroes and mulattoes in this state to Liberia, in Africa, and for other purposes.

No. 12. Mr. Trimble introduced a bill to be entitled an act to change the time of electing representatives in Congress.

Read the first time.

On motion of Mr. Trimble, the rules were suspended, the bill read the second time by title and referred to the committee on elections.

On motion of Mr. Davies, the Senate adjourned until 10 o'clock, to-morrow morning.

THOS. FLETCHER,
President.

Saturday, *November* 6, 1858.

The Senate met pursuant to adjournment.

Prayer by Rev. A. H. Kennedy, chaplain.

Roll called.

Present—Messrs. Carrigan, Clark, Davies, Douglas, Floyd, Gaines, Hammond, Hampton, Humphreys, Marshall, McCreery, McColloch, Pennington, Redmond, Rosson, Smithson, Stirman, Terry, Trimble, Watkins, Williams and Mr. President—22.

The journal of yesterday, except the rules and joint rules, embraced therein, (the reading of which was, on motion of Mr. Rosson, dispensed with), was read approved and signed.

During the reading of the journal the following message was received from the House of Representatives by the clerk:

Mr. PRESIDENT—

I am instructed to inform your honorable body that the House of Representatives have concurred in the Senate joint resolution "to raise a joint committee of one senator from each judicial circuit in the state," to act with such committee as may be appointed by the Speaker of the House, to whom is referred so much of the governor's message as relates to a change in the judicial circuits of the state.

The committee on the part of the House consists of Messrs. Anderson, of Phillips, Duffie, Baxter, Green, Johnson of Pulaski, and Stuart.

S. M. SCOTT, *Clerk of*
House of Representatives.

On motion of Mr. Gaines, the name of Mr. Terry was added to the committee on counties and county lines.

On motion of Mr. Floyd the regular order of business was taken up, and on his further motion, it was resolved that all joint resolutions which have not the effect of law, should be read but once, when the question might be taken on their adoption.

Senate joint resolution No. 2, relative to the graduation of lands reserved by the United States for railroad purposes, within the several railroad surveys in this state, was taken up and read.

On motion of Mr. Floyd, the resolution was adopted.

Senate joint resolution No. 3, to authorize the governor of this state to furnish the authorities of the Choctaw Nation the same number of public documents of the State of Arkansas, as is now furnished to the several states of the Union, was taken up and read.

On motion of Mr. Floyd, the word "governor," was stricken out of the resolution and "secretary of state" inserted in lieu thereof.

On his further motion the resolution as amended, was then adopted.

Senate joint resolution No. 4, asking the establishment of a weekly mail route from Huntsville, in Madison county, to Waldron, in Scott county, was taken up and read.

On motion of Mr. Hammond, the word "semi-weekly," was inserted in lieu of "weekly," and on motion of Mr. Clark, the resolution as amended was adopted.

Senate joint resolution No. 5, asking the establishment of a semi-weekly mail route from Fort Smith to Washington, in Hempstead county, was taken up and read.

On motion of Mr. Carrigan, adopted.

Senate joint resolution No. 6, relative to the construction of the overland railroad to the Pacific ocean, on or near the 35th parallel of latitude was taken up and read.

Mr. Clark moved to adopt the resolution.

Mr. Rosson moved to refer it to the committee on memorials.

After some debate Mr. Rosson rose to a point of order, but the President decided that discussion was in order, and at the conclusion thereof, Mr. Carrigan moved to postpone the resolution until Wednesday next.

Which motion having precedence by the rules, was put to the Senate and adopted.

And on motion of Mr. Floyd, one hundred copies of the resolution were ordered to be printed for the use of the Senate.

Senate joint resolution No. 9, relative to a mail from Memphis to Madison by railroad, and from thence to Little Rock by stage coaches, in twenty-four hours; was taken up and read.

On motion of Mr. Floyd it was adopted.

Message from the House of Representatives by the clerk:

Mr. President—

I am instructed to inform your honorable body that the House of Representatives have adopted the following joint resolution:

Resolved, That our Senators and Representatives in Congress be instructed and requested to use their influence to change the mail route from Hermansburg, in Washington county, Arkansas, to Neosho, Missouri, now carried on horseback, so as to be carried in two horse coaches.

Which is herewith transmitted, and in which the concurrence of your honorable body is respectfully asked.

S. M. SCOTT, *Clerk of*
House of Representatives.

Mr. Terry asked to be and was excused from serving on the standing committee on ways and means, and on public roads.

Mr. Watkins offered the following

RESOLUTION:

Resolved, That the secretary of state be requested to furnish the committee on the penitentiary with the different penitentiary systems of the several states.

Which was read and adopted.

Mr. Smithson gave the following notice:

Mr. President—

I will on some future day of the present session of the General Assembly, introduce a bill for the purpose of repealing all the laws of this state now in force in regard to swamp lands. SMITHSON.

On motion of Mr. Gaines, the secretary of the Senate was directed to procure a copy of Langtree's map of Arkansas, and a map of the United States, to be hung up in the Senate chamber, for the use of the Senate.

On motion of Mr. Gaines, the door-keeper was instructed to fit up the gallery of the Senate, for the benefit of the ladies.

Mr. Clark gave the following notice:

Mr. PRESIDENT—

I hereby give notice that I will, at some future day, introduce a bill to be entitled an act to levy a tax on deadly weapons. CLARK.

No. 13. Mr. Humphreys introduced a bill to be entitled an act to punish any officer or officers, for embezzling.

Read first time.

On motion of Mr. Humphreys the rules were suspended, the bill read the second time by title, and referred to the committee on the judiciary.

Mr. McCreery gave the following notice:

Mr. PRESIDENT:

I hereby give notice to the Senate that on Monday next, or at an early day thereafter, I will introduce a bill providing for the assessment of a tax upon patent medicines imported into this state, and for collecting the same.

McCREERY.

Mr. Marshall offered the following

RESOLUTION:

Resolved, That the committee on elections take into consideration the propriety of changing the mode of voting at elections in this state from ballot to *viva voce,* with instructions to report by bill or otherwise at as early day as practicable.

Which was read and adopted.

On motion of Mr. Redmond, the name of Mr. Hammond was added to the committee on ways and means.

Mr. Redmond was called to the chair.

No. 14. Mr. Davies introduced a bill to be entitled an act to authorize the county court of Greene county to levy a road tax, and for other purposes.

Read the first time.

On motion of Mr. Davies, the rules were suspended, the bill read the second time, by title, and referred to the committee on public roads.

Mr. Terry gave the following notice:

Mr. PRESIDENT—

I shall, on Monday next, or on some other convenient day of the session, introduce a bill to grant a charter for a railroad from Atlanta to Des Arc, on White river.

TERRY.

No. 15. Mr. Douglas introduced a bill to be entitled an act to abolish peremptory challenges to jurors, and for other purposes.

Read the first time.

On motion of Mr. Douglas, the rules were suspended, the bill read the second time, by title, and referred to the committee on the judiciary.

No. 16. Mr. Stirman introduced a bill to be entitled an act to repeal an act entitled an act declaring Petit Jean a navigable stream.

Read the first time.

On motion of Mr. Stirman, the rules were suspended, the bill read the second time, by title, and the third time and passed.

On motion of Mr. Pennington, the Senate adjourned until 9½ o'clock Monday morning.

THOS. FLETCHER,
President.

Monday, *November* 8, 1858.

The Senate met pursuant to adjournment.

Prayer by Rev. A. H. Kennedy, chaplain.

Roll called.

Present—Messrs. Carrigan, Clark, Davies, Douglas, Floyd, Gaines, Hammond, Hampton, Humphreys, Marshall, McCreery, McColloch, Pennington, Redmond, Rosson, Smithson, Stirman, Terry, Trimble, Watkins, Williams and Mr. President—22.

The journal of Saturday was read, approved and signed.

Memorials and petitions from counties were in order.

Motions and resolutions were in order.

Reports from standing committees were in order.

Mr. Clark, from the committee on education, made the following

REPORT:

Mr. President—

The committee on education, to whom was referred Senate bill No. 11, to be entitled an act to legalize the sale of section 16, in Calhoun county, have had the same under consideration, and have instructed me to report it back to the Senate, and recommend its passage.

GREEN J. CLARK,
Chairman.

Which report was read and received.

On motion of Mr. Clark, the bill was read the third time and passed.

The introduction of bills was in order.

No. 17. Mr. Marshall introduced a bill to be entitled an act to provide for the *ad valorem* valuation of real estate.

Read the first time.

On motion of Mr. Marshall, the rules were suspended, the bill read the second time by title, and referred to the committee on ways and means.

No. 18. Mr. Douglas introduced a bill to be entitled an act for the removal of free negroes and mulattoes in this state to Liberia, in Africa, and for other purposes.

Read the first time.

On motion of Mr. Douglas, one hundred copies of said bill were ordered to be printed, and, on his further motion, the rules were suspended, the bill read the second time by title, and referred to the committee on the judiciary.

No. 19. Mr. Floyd introduced a bill to be entitled an act to abolish the credit system in the future sale of all public lands belonging to the State of Arkansas, or held in trust by her for any purpose whatever.

Read the first time.

On motion of Mr. Floyd, the rules were suspended, the bill read the second time by title, and referred to the committee on ways and means.

No. 20. Mr. Floyd introduced a bill to be entitled an act to cause commissioners of common schools to loan all moneys at 10 per cent., and renew all obligations and notes in the month of January of each year.

Read the first time.

On motion of Mr. Floyd, the rules were suspended, the bill read the second time by title, and, on motion of Mr. Hammond, it was referred to the committee on. education.

No. 21. Mr. Trimble introduced a bill to be entitled an act to change the time of holding the county and probate courts of Independence county.

Read the first time.

On motion of Mr. Trimble, the rules were suspended, and the bill read the second time by title.

Mr. Douglas offered to amend the bill by adding, after the last words of the first section, the following, to-wit:

"And in the county of Benton, the probate court shall be holden on the second Monday after each regular term of the county court in said county."

Which amendment was adopted.

On motion of Mr. Floyd, the bill was then referred to a select committee of three.

Thereupon, Mr. President appointed, as such committee, Messrs. Floyd, Trimble and Douglas.

Mr. Davies offered Senate joint resolution No. 10, to-wit:

Resolved, That our Senators in Congress are instructed, and our Representatives requested, to use their influence to procure a semi-weekly mail, by two horse stages, from Helena, Arkansas, to the Iron Mountain, in Missouri, instead of a horseback mail which now exists.

Which resolution was read, and, on motion, of Mr. Floyd, adopted.

Mr. Clark offered the following

RESOLUTION:

Resolved by the General Assembly of the State of Arkansas, That the following be, and the same is hereby proposed as an amendment to the constitution of the State of Arkansas, to-wit: Strike out and abolish the 29th section of the IV Article of said constitution, and substitute the following section instead thereof, to-wit:

"No county, now established by law, shall ever be reduced by the establishment of any new county or counties, to a less population than its ratio of representation in the House of Representatives, nor shall any new county be hereafter established which shall contain a less population than would entitle such new county to one member in the House of Representatives"

Which was read, and, on motion of Mr. Clark, the rules were suspended, the resolution read the second time, and, on motion of Mr. Floyd, it was referred to the committee on counties and county lines.

Mr. Floyd offered the following

RESOLUTION:

Resolved, That the secretary of state be requested to inform the legislature, now in session, if the proposition to amend the constitution, made at the last session of the General Assembly, has been published according to law or not.

Which was read and adopted.

The regular order of business was resumed.

House joint resolution No. 4, instructing our Senators, and requesting our Representatives in Congress to use their influence to have changed the mail route from Hermansburg, in Washington county, Arkansas, to Neosho, in Missouri, from a horseback mail, as now carried, to a two horse coach route, was taken up and read.

On motion of Mr. Floyd, the Senate concurred in said resolution.

Mr. Clark presented the petition of sundry persons of the townships of Lafayette, Brawley and Mountain, in the county of Sebastian, representing that, in consequence of the peculiar shape of said county, and the natural obstructions between them and their county-seat, they suffer great inconvenience, and are subjected to hardships; they therefore pray the passage of an act by the present General Assembly to annex said townships to the county of Scott.

Said petition was read, and on motion of Mr. Clark, referred to the committee on counties and county lines.

On motion of Mr. Floyd, the Senate took a recess of ten minutes.

At 11 o'clock, a. m., the Senate was called to order.

No. 22. Mr. Stirman. on leave, introduced a bill to be entitled an act to effectually prevent the circulation of bank bills and notes within this state.

Read the first time.

On motion of Mr. Stirman, the rules were suspended, the bill read the second time, by title, and referred to the committee on banks.

No. 23. Mr. McColloch introduced a bill to be entitled an act to allow widows' dower in choses in action.

Read the first time.

On motion of Mr. McColloch, the rules were suspended, the bill read the second time, by title; and on motion of Mr. Redmond, it was referred to the committee on the judiciary.

Mr. Gaines offered the following

RESOLUTION:

Resolved, With the concurrence of the House of Representatives, that the two houses will, on Wednesday next, at 12 o'clock, m., go into the election of a U. S. Senator for six years from the 4th of March next.

Which was read.

Mr. Humphreys moved to amend, by saying the 15th inst., instead of "Wednesday next."

On motion of Mr. Hammond, the amendment was laid upon the table; and on motion of Mr. Floyd, the resolution was adopted, and ordered to be communicated to the House of Representatives, which was done.

Mr. Redmond, from the committee on ways and means, made the following

REPORT:

MR. PRESIDENT—

The committee on ways and means, to whom was referred Senate bill No. 10, to be entitled "an act to relieve certain purchasers of land from the state," have had the same under consideration, and have instructed me to report it back without amendment and recommend its passage.

REDMOND, *Chairman.*

Which report was read and received.

On motion of Mr. Gaines, the Senate adjourned until 9½ o'clock to-morrow morning.

THOS. FLETCHER,
President.

TUESDAY, *November 9th*, 1858.

The Senate met pursuant to adjournment.

Prayer by Rev. A. H. Kennedy, chaplain.

Roll called.

PRESENT—Messrs. Carrigan, Clark, Davies, Douglas, Floyd, Gaines, Hammond, Hampton, Humphreys, Jones, Marshall, McCreery, McColloch, Redmond, Rosson, Smithson, Stirman, Terry, Trimble, Watkins, Williams and Mr. President—23.

The journal of yesterday was read, approved and signed.

Petitions from counties were in order.

Mr. Clark presented the remonstrance of sundry citizens of Sebastian country, living in that portion of said county asked to be attached to the county of Scott, remonstrating against the petition of their fellow-citizens, to have the townships of Lafayette, Brawley and Mountain, in their county, attached as aforesaid.

Which was referred to the committee on counties and county lines.

Message from the House of Representatives by the clerk:

MR. PRESIDENT—

I am instructed to inform your honorable body that the House of Representatives have passed the following bills, viz:

House bill No. 3, to be entitled an act to increase the compensation of the county judges of Greene and Searcy counties.

House bill No. 5, to be entitled an act to change the name Frances Isabella Smith, of Clark county, Arkansas, to that of Frances Isabella Rose, and make her a lawful heir of Christopher C. Rose and Lauretta Rose, his wife, of said county.

House bill No. 13, to be entitled an act in relation to the opening of the terms of the supreme court.

Also, House bill No. 14, to be entitled an act relating to insane paupers.

Said bills are herewith transmitted for the assent of your honorable body, which is respectfully asked.

The House of Representatives have also concurred in the Senate amendmnnt to House joint resolution, to go into the election of U. S. Senator, on Monday next, at 12 o'clock, m.

The House have also adopted a joint resolution, instructing and requesting our Senators and Representatives to procure a grant of lands from Congress to aid in the construction of a railroad from Fort Smith, via Van Buren, Fayetteville, Bentonville, to or near Springfield, Mo.

Said resolution is herewith transmitted for the concurrence of your honorable body, which is respectfully asked.

S. M. SCOTT, *Clerk of*
House of Representatives.

Motions and resolutions were in order.

Mr. Floyd offered the following

RESOLUTION:

Resolved, That the two houses of this General Assembly go into an election for one associate justice of the supreme court, on Wednesday the 10th inst., at 12 o'clock, m., to fill the vacancy occasioned by the expiration of the term of the Hon. Christopher C. Scott, and that the House of Representatives be requested to concur herein.

Which was read, and on motion of Mr. Hammond, adopted.

Mr. Terry offered the following

RESOLUTION:

Resolved, That ladies visiting the Senate, be invited by the door-keeper, to take seats within the chamber.

Which was read, and on motion of Mr. Floyd, adopted.

Mr. Clark offered the following

RESOLUTION:

Resolved, That the door-keeper of the Senate be requested to furnish the Senate some recently published map of the United States, containing all the surveys of proposed railways to the Pacific ocean.

Which was read; and on motion of Mr. Floyd, the word "secretary" was inserted in lieu of "door-keeper," and the resolution, as amended, was, on motion of Mr. Clark, adopted.

Mr. Floyd offered the following

RESOLUTION:

Resolved, That the new Digest, compiled by Josiah Gould, esq., under and by virtue of an act approved January 14th, 1857, be, and the same is hereby referred to the committee on the judiciary, and that they be required to examine the same, and make report whether it be the law now in force, or not, within the State of Arkansas, and whether the compilation so made in said Digest contains all the laws of this state, and that they report by bill or otherwise.

Which was read and adopted.

Mr. Pennington offered Senate joint resolution No. 11, to-wit:

Resolved by the General Assembly of the State of Arkansas, That our Senators in Congress are hereby instructed, and our Representatives requested to procure the passage of an act of Congress confirming all the sales of any of the public lands in the state of Arkansas, made under the graduation act, lying within the limits of any of the railroads grants.

Which was read, and on motion of Mr. Pennington, adopted.

The introduction of bills was in order.

No. 24. Mr. Clark introduced Senate bill, to be entitled an act to raise a fund for common school purposes.

Read the first time.

On motion of Mr. Clark, the rules were suspended, the bill read the second time, by title, and referred to the committee on the judiciary.

On motion of Mr. Clark, Senate bill No. 10, to be entitled an act to relieve certain purchasers of land from the state, was taken up and read the third time and passed.

A message from the House of Representatives by their clerk:

Mr. President—

The House of Representatives have adopted the following resolution:

Resolved, That, if the Senate concur, the two houses will, on Wednesday the 10th inst., after the election of a Senator in Congress, proceed to the election of a judge of the supreme court, to fill the vacancy occasioned by the expiration of the term of office of the Hon. C. C. Scott.

Said resolution is herewith transmitted for the concurrence of your honorable body, which is respectfully asked.

S. M. SCOTT, *Clerk of*
House of Representatives.

On motion of Mr. Stirman, the resolution just received from the House, was taken up and concurred in by the Senate.

On motion of Mr. Clark, House joint resolution, instructing our Senators, and requesting our Representatives in Congress to procure a grant of land to construct a railroad from Fort Smith, via Van Buren, Fayetteville and Bentonville, to the Missouri line, in the direction of Springfield, Mo., was taken up and read.

Mr. Carrigan moved to amend, by saying from Fulton, on Red river, via Fort Smith and Van Buren, Fayetteville, etc., as stated in the resolution; which amendment was, on motion of Mr. Clark, adopted.

And on his further motion, the resolution, as amended, was concurred in by the Senate.

On motion of Mr. Terry, House bill No. 13, to be entitled an act relative to the opening of the terms of the supreme court, was taken up and read the first time.

On his further motion, the rules were suspended and the bill read the second time, by title.

Mr. Terry then offered to amend by additional sections, to-wit:

Sec. 2. *And be it further enacted*, That instead of two terms of the supreme court, on the first Mondays in January and July, the judges be required to hold four terms thereof, commencing on the first Mondays of January, April, July and October.

Sec. 3. *Be it further enacted*, That all laws or parts of laws conflicting herewith, be and the same are hereby repealed.

Which amendment was read, and on motion of Mr. Watkins adopted.

On his further motion, the bill, as amended, was referred to the committee on the judiciary.

No. 25. Mr. Carrigan introduced a bill to be entitled an act to amend section 18 of chapter 89 of the Digest of the Statutes, under the head of "estrays."

Read the first time.

On motion of Mr. Carrigan the rules were suspended, the bill read the second time by title, and referred to the committee on the judiciary.

No. 26. Mr. McColloch introduced a blll to be entitled an act to repeal section 3 of chapter 51 of the Digest of 1858, under the title of "trespass on personal property," and for other purposes.

Read the first time.

On motion of Mr. McColloch the rules were suspended, the bill read the second time by title, and referred to the committee on the judiciary.

No. 27. Mr. Clark introduced Senate bill to be entitled an act to amend chapter 51 part XII of the Digest of the Statutes, in relation to the punishment of slaves for felonies.

Read the first time.

On motion of Mr. Clark the rules were suspended, the bill read the second time by title, and referred to the committee on the judiciary.

On motion of Mr. Gaines the Senate adjourned until 9½ o'clock to-morrow morning.

THOS. FLETCHER,
President.

WEDNESDAY, *November* 10, 1858.

The Senate met pursuant to adjournment.

Prayer by the chaplain.

Roll called.

PRESENT—Messrs. Carrigan, Clark, Davies, Douglas, Floyd, Gaines, Hammond, Hampton, Humphreys, Jones, Marshall, McCreery, McColloch, Pennington, Redmond, Rosson, Smithson, Stirman, Trimble, Watkins, Williams and Mr. President—22.

The journal of yesterday was read, approved and signed.

On motion of Mr. Gaines leave of absence was granted Mr. Terry on account of indisposition.

Mr. President laid before the Senate the following communication from the secretary of state:

Office of the Secretary of State,
Little Rock, Nov. 9th., 1858.

I, David B. Greer, secretary of state, do hereby certify that the amendments to the constitution of the State of Arkansas, proposed by the last General Assembly, have been published in accordance with law.

DAVID B. GREER,
Secretary of State.
By Jas. F. Fagan,
Dep. Sec'y of State.

Which was read, and on motion of Mr. Floyd ordered to be spread upon the journal.

The following message was received from the House of Representatives by their clerk:

Mr. President—

I am instructed to inform your honorable body that the House of Representatives have passed the following entitled bills, viz:

House bill No. 9, entitled "an act to change the name of Thomas Livingston Storms to that of Thomas Livingston Starks, and to constitute him a lawful heir of Learner B. Starks."

House bill No. 32, entitled "an act to amend the charter of the city of Helena, and for other purposes."

Said bills are herewith transmitted for the assent of your honorable body, which is respectfully asked.

The House of Representatives have assented to Senate bill No. 16, entitled "an act to repeal an act entitled 'an act declaring Petit Jean a navigable stream.'"

Said bill is herewith returned.

The House have also concurred in Senate joint resolution No. 3, in relation to the Choctaw Nation, with an amendment thereto, in which the concurrence of your honorable body is respectfully asked.

Said resolution and amendment is herewith returned.

S. M. SCOTT, *Clerk of*
House of Representatives.

On motion of Mr. Floyd the amendment of the House to Senate joint resolution No. 3, which is as follows: "Amend by saying Chickasaw Nation after Cherokee Nation," was taken up and concurred in by the Senate.

The introduction of bills was in order.

No. 28. Mr. Humphreys introduced a bill to be entitled an act for the benefit of widows.

Read the first time.

On motion of Mr. Humphreys the rules were suspended, the bill read the second time by title, and referred to the committee on the judiciary.

No. 29. Mr. Hampton introduced a bill to be entitled an act to change the time of holding the probate court of the county of Bradley.

Read the first time.

On motion of Mr. Hampton the rules were suspended and the bill read the second time by title.

Mr. Clark offered to amend by adding to the first section of the bill the words "and that the probate courts of the county of Scott be holden on the fourth Mondays in January, April, July and October of each year."

Which amendment was adopted.

On motion of Mr. Hampton the rules were again suspended, the bill read the third time as amended and passed with the following title:

"A bill to be entitled an act to change the time of holding the probate court of the counties of Bradley and Scott."

Mr. Gaines offered the following

RESOLUTION:

Resolved, That the committee on internal improvements be tnstructed to enquire into the expediency of making an appropriation from the state treasury for the benefit of the several railroads in this state.

Which was read and on motion of Mr. Gaines adopted.

No. 30. Mr. Clark introduced a bill to be entitled an act to levy a tax on deadly weapons.

Read the first time.

On motion of Mr. Clark the rules were suspended, and the bill read the second time by title.

Mr. Hammond moved to amend by striking out the words "owner" and "owned," wherever they occur in the title, and inserting the word "carried" in lieu thereof.

Which amendment was adopted.

Mr. Watkins was called to the chair.

Mr. Floyd moved to amend the bill further, as follows, to-wit:

After the word "tax-payer," in the second section, insert the words "in writing and file the same with the clerk of the county court."

Which was also adopted.

Mr. Stirman moved to amend by striking out the words "five dollars" wherever they occur in the bill, and inserting "twenty-five dollars" in lieu thereof.

Mr. Redmond moved to amend by inserting "one hundred dollars" in lieu of five dollars.

Mr. Clark moved to reject the amendment offered by Mr. Redmond.

On which motion Mr. Redmond called for the yeas and nays; which call was sustained an ordered.

Yeas—Messrs. Clark, Douglas, Hampton, Marshall, Pennington, Rosson, Trimble, Williams and Mr. President—9.

Nays—Messrs. Carrigan, Davies, Floyd, Gaines, Hammond, Humphreys, Jones, McCreery, McColloch, Redmond, Smithson, Stirman and Watkins—13.

So the amendment offered by Mr. Redmond was not rejected, but on motion of Mr. Stirman, the same was adopted in lieu of his amendment.

Mr. Pennington offered to amend the bill further, by adding the following proviso to the first section, to-wit:

Provided, That nothing in this act shall be construed to prevent the carrying of weapons by sheriffs or other officers in the discharge of official duties.

Which proviso was adopted.

On motion of Mr. Floyd the bill was ordered to be engrossed for the third reading on to-morrow.

No. 31. Mr. Trimble introduced Senate bill to be entitled an act to change the time of electing representatives in the Congress of the United States, and for other purposes.

Read the first time.

On motion of Mr. Trimble the rules were suspended, and the bill read the second time by title, and on motion of Mr. Hammond it was referred to the committee of the whole and made the order for Wednesday next.

No. 32. Mr. Gaines introduced Senate bill to be entitled an act to amend the laws of the State of Arkansas, distributing the proceeds of the sales of the 500,000 acres of internal improvement lands.

Read the first time.

On motion of Mr. Gaines the rules were suspended, the bill read the second time by title, and referred to the committee on internal improvements.

On motion of Mr. Hammond Senate joint resolution No. 6, relative to the construction of the overland railroad to the Pacific ocean, on or near the 35th parallel of latitude, was, pursuant to the order of the Senate of Saturday last, taken up; but on motion of Mr. Floyd said resolution was postponed until to-morrow.

On motion of Mr. Redmond, the Senate took a recess of ten minutes.

12 O'CLOCK, M.

The Senate was called to order.

The following message was received from the House of Representatives by their clerk:

Mr. PRESIDENT—

I am instructed to inform your honorable body that the House of Representatives are now ready to receive your honorable body in their hall, for the purpose of going into the election of a United States Senator, for six years from the 4th of March next, and for the election of a judge of the supreme court, to fill the vacancy occasioned by the expiration of the term of office of the Hon. C. C. Scott.

S. M. SCOTT, *Clerk of*
House of Representatives.

On motion of Mr. Rosson the Senate repaired to the hall of the House of Representatives, and being seated, the President of the Senate stated the object of the convention of the two houses, and announced that nominations for United States Senator for six years from the 4th of March next, were in order.

Whereupon Mr. Anderson of the House, nominated William K. Sebastian.

No other nominations being made the rolls were called, when it appeared that on joint ballot William K. Sebastian had received 91 votes.

Those senators who voted for William K. Sebastian, are

Messrs. Carrigan, Clark, Davies, Douglas, Floyd, Gaines, Hammond Hampton, Humphreys, Jones, Marshall, McCreery, McColloch, Pennington, Redmond, Rosson, Smithson, Stirman, Trimble, Watkins, Williams and Mr. President—22.

Whereupon, the President of the Senate announced that William K. Sebastian, having received a majority of all the votes cast was duly and constitutionally elected United States Senator, for and during the term of six years, from the 4th of March, A. D. 1859.

The President of the Senate having announced that nominations for judge of the Supreme Court, to succeed the Hon. C. C. Scott, were in order, Mr. Gaines nominated Christopher C. Scott, of Ouachita county.

No other nominations being made the rolls were called, when it appeared that on joint ballot Christopher C. Scott had received 87 votes, and that Felix I. Batson had received four votes in the house.

Those senators who voted for Christopher C. Scott, are

Messrs. Carrigan, Clark, Davies, Douglas, Floyd, Gaines, Hammond, Hampton, Humphreys, Jones, Marshall, McCreery, McColloch, Pennington, Redmond, Rosson, Smithson, Stirman, Trimble, Watkins, Williams and Mr. President—22.

Whereupon, the President of the Senate announced that Christopher C. Scott, having received a majority of all the votes cast was duly and constitutionally elected judge of the Supreme Court, for and during the term prescribed by the constitution of the State of Arkansas.

The objects of the convention having been accomplished the Senate returned to their chamber, and on motion of Mr. Gaines, adjourned until 9½ o'clock, to-morrow morning.

THOS. FLETCHER,
President.

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Thursday, *November* 11, 1858.

The Senate met pursuant to adjournment.

Prayer by the chaplain.

The roll was called.

Present—Messrs. Carrigan, Clark, Davies, Douglas, Floyd, Gaines, Hammond, Hampton, Humphreys, Jones, Marshall, McCreery, McColloch, Pennington, Redmond, Rosson, Smithson, Stirman, Terry, Trimble, Watkins, Williams and Mr. President—23.

The journal of yesterday was read, approved and signed.

Reports from standing committees were in order.

Mr. Humphreys, from the committee on counties and county lines, made the following

REPORT:

Mr. President—

The committee on counties and county lines, to whom was referred Senate proposition to amend the 29th section, article four, of the constitution of the State of Arkansas, have had the same under consideration and I am instructed to report the same back to the Senate and recommend that it be read the number of times prescribed by the constitution for proposed amendments thereto.

HUMPHREYS, *Chairman.*

Which report was read and received.

The proposed amendment was read, when Mr. Pennington offered to amend it by adding as follows, to-wit:

And that no county hereafter established shall be so formed as to reduce any old county, so that the county line of such old county shall be less than twelve miles from the county seat of such old county.

Which was read, and after some discussion, the proposition and amendment offered thereto were, on motion of Mr. Floyd, recommitted to the committee on counties and county lines.

Message from the House of Representatives, by the clerk:

Mr. President—

I am instructed to inform your honorable body that the House of Representatives have assented to Senate bill No. 11, entitled "an act to legalize the sale of section 16, in Calhoun county."

Said bill is herewith returned.

The House have passed House bill No. 39, entitled "an act for the relief and benefit of the township of Surrounded Hill, in Monroe county."

Said bill is herewith transmitted for the assent of your honorable body, which is respectfully asked.

The House of Representatives have concurred in Senate joint resolution, relative to a semi-weekly from Helena, Arkansas, to the Iron Mountain, in Missouri.

Said resolution is herewith returned.

S. M. SCOTT, *Clerk of*
House of Representatives.

Mr. Williams, from the committee on claims made the following

REPORT:

Mr. Presinent—

The committee on claims to whom was referred Senate bill No. 4, to be entitled an act to grant relief to Elvira H. Brown, administratrix of the estate of William M. Brown, late sheriff of Marion county, Arkansas, have had the same under consideration, and a majority of said committee have instructed me to report it back to the Senate and recommend its passage.

D. C. WILLIAMS,
Ch'n Com. on Claims,

Which report was read and received.

Mr. Floyd, from the committee on banks, made the following

REPORT:

Mr. President—

The committee on banks, to whom was referred Senate bill No. 1, to be entitled an act providing for the redemption of certain bonds issued by the State of Arkansas to put the state bank into operation, etc., have had the same under consideration, and having fully deliberated thereon, the committee instructed me to report the same back to the Senate and recommend its rejection.

FLOYD, *Chairman.*

Which report was, on motion of Mr. Floyd, adopted, and the bill thereby rejected.

Mr. Redmond, from the committee on ways and means, made the following

REPORT:

Mr. PRESIDENT—

The committee on ways and means, to whom was referred Senate bill No. 19, to be entitled an act to abolish the credit system in the future sale of all the public lands belonging to the state of Arkansas, or held in trust by her for any purpose whatever, have had the same under consideration and have instructed me to report it back to the Senate and recommend its passage.

REDMOND, *Chairman.*

Which report was read and received.

Mr. Redmond, further from the same committee, made the following

REPORT:

Mr. PRESIDENT—

The committee on ways and means, to whom was referred Senate bill No. 17, to be entitled an act to provide for the *ad valorem* valuation of real estate, have had the same under consideration, and have instructed me to report it back to the Senate and recommend its rejection.

REDMOND, *Chairman.*

Which was read and received.

Mr. Floyd offered the following

RESOLUTION:

Resolved, That the two houses of this General Assembly go into the election of public printer, on Saturday next, the 13th inst., at 12 o'clock, m., and that the House of Representatives are respectfully requested to concur herein.

Which was read; and on motion of Mr. Rosson, referred to the committee on public printing.

On motion of Mr. Hammond, the unfinished business was ordered to be taken up.

Senate joint resolution relative to the Pacific railroad and the 35th parallel was read.

Mr. Hammond offered the following amendment:

Strike out the second clause in the preamble, and insert the following, to-wit: *And whereas*, It is a subject of great magnitude to the future interests of the State of Arkansas, that one of the termini of said Pacific railroad be at Hopefield, on the Mississippi river, opposite the city of Memphis, the road then to proceed on the present railroad survey to Little Rock, thence on the survey of the Cairo and Fulton railroad to the Texas line, thence on the line of the El Paso railroad to the Rio Grande, thence to the boundary line of California, through the territory of Arizona, and thence to San Francisco.

Amend the resolution by inserting " 33d parallel or near it," in lieu of the words " on or near the 35th parallel of latitude."

Mr. Rosson offered the following amendment as a substitute for that offered by Mr. Hammond:

Strike out all after the word Memphis, in the preamble, and insert the following: Therefore, be it

Resolved by the General Assembly of the State of Arkansas, That our Senators in Congress be instructed, and our Representatives requested to faithfully co-operate with the delegation in Congress from the southern states, for the purpose of procuring all the aid that can be obtained from the government of the United States, towards the early completion of this great national enterprise, upon some southern route.

Mr. Floyd moved the adoption of the proposed substitute, but after some discussion withdrew his motion.

Mr. Carrigan renewed it.

Mr. Hampton moved the indefinite postponement of the resolution and amendments, but the chair decided that Mr. Carrigan's motion had precedence, and the question on adopting Mr. Rosson's amendment as a substitute for Mr. Hammond's being put to vote, stood as follows:

YEAS—Messrs. Carrigan, Gaines, Hammond, Hampton, Marshall, McColloch, Pennington, Redmond, Rosson, Terry, Watkins Williams and Mr. President—13.

NAYS—Messrs. Clark, Davies, Douglas, Floyd, Humphreys, McCreery, Smithson, Stirman and Trimble—9.

So the substitute amendment was adopted.

On motion of Mr. Rosson, the resolution, as amended, was referred to the committee on memorials.

Mr. Smithson moved that the Senate adjourn until 9½ o'clock to-morrow morning; which motion was lost.

A message from the House of Representatives, by the clerk:

MR. PRESIDENT—

I am instructed to inform your honorable body that the House of Representatives have adopted the following joint resolution, to-wit:

Resolved, That this House, with the concurrence of the Senate, request the secretary of the democratic caucus, held in this hall on last evening, to furnish a true copy of the proceedings of said caucus for publication.

The House have also adopted the following joint resolution, to-wit:

Resolved by the House of Representatives, That, with the concurrence of the Senate, the publishing of the proceedings of the convention held on Tuesday night last be not paid for by the state.

Said resolutions are herewith transmitted for the concurrence of your honorable body, which is respectfully asked.

S. M. SCOTT, *Clerk of*
House of Reprcsentatives.

On motion of Mr. Terry, the Senate adjourned until 9½ o'clock to-morrow morning.

THOS. FLETCHER,
President.

FRIDAY, *November* 12*th*, 1858.

The Senate met pursuant to adjournment.

Prayer by the chaplain.

Roll called.

PRESENT—Messrs. Carrigan, Clark, Davies, Douglas, Floyd, Gaines, Hammond, Hampton, Humphreys, Jones, Marshall, McCreery, McColloch, Pennington, Redmond, Trimble, Watkins, Williams and Mr. President—19.

The journal of yesterday was read, approved and signed.

Mr. Watkins was called to the chair.

Reports from standing committees were in order.

Mr. Redmond, from the committee on public printing, made the following

REPORT:

Mr. PRESIDENT—

The committee on public printing, to whom was referred the joint resolution to go into the election of public printer, on Saturday the 13th inst., at 12 o'clock, m., have had the same under consideration, and have instructed me to report it back to the Senate and recommend its adoption.

REDMOND, *Ch'n pro tem.*

Which report was read and received.

On motion of Mr. Floyd, the resolution was adopted, and the secretary instructed to transmit the same to the House of Representatives forthwith.

Motions and resolutions were in order.

Mr. Clark offered Senate joint resolution No. 12, in these words:

Resolved by the General Assembly of the State of Arkansas, That we regard the construction of a railroad from some suitable and central point on the Mississippi river to San Francisco, in the State of California, as a great national enterprise, which should be fostered and encouraged by the general government, by all the constitutional means in her power.

Resolved, That we regard the construction of said railroad, on or near the 35th parallel of north latitude, as surveyed by Lieut. Whipple, as the nearest, most direct and central route for such road, and should, therefore, be adopted.

Resolved, That the interests of Arkansas will be greatly promoted by the adoption of the 35th parallel.

Resolved, That Hopefield, on the Mississippi river, near Memphis, should be the eastern terminus of said route.

Mr. Clark moved the adoption of the resolutions.

Mr. Carrigan moved their indefinite postponement, but gave way for Mr. Redmond, to offer the following amendment:

That these resolutions shall not be considered as instructions to our Senators and Representatives in Congress, but they shall be left perfectly free to act for the best interests of the state in regard to the different parallels of latitude.

Mr. Redmond moved the adoption of his amendment, and called for the yeas and nays thereon, which call was sustained.

Mr. Hammond moved a call of the Senate, which the chair decided out of order, a call for the yeas and nays having been made and sustained.

The roll was then called, when the vote on the adoption of the amendment stood:

Yeas—Messrs. Carrigan, Gaines, Hammond, Hampton, Marshall, McColloch, Pennington, Redmond, Watkins and Williams—10.

Nays—Messrs. Clark, Davies, Douglas, Floyd, Humphreys, Jones, McCreery and Trimble—8.

So the amendment was adopted.

On motion of Mr. Floyd, the resolutions, as amended, were then referred to the committee on memorials.

On motion of Mr. Redmond, leave of absence was granted to Mr. Stirman on account of sickness.

On motion of Mr. Gaines, leave of absence was also granted to Mr. Williams on account of sickness.

The following message was received from the House of Representatives, by the clerk:

Mr. President—

I am instructed to inform your honorable body that the House of Representatives have passed House bill No 48, to be entitled "an act to change the name of Abby Ann Chandler West, daughter of David West, of the county of Pope, to Abby Ann Chandler, and to constitute her legal heir of Elijah Chandler."

House bill No. 49, to be entitled "an act to exempt the citizens living west of Red river, in Lafayette county, from serving on the grand and petit juries."

And House bill No. 50, to be entitled "an act to repeal an act, to change the proceeds arising from fines in Pope and Ouachita counties, from the school fund to county purposes, as to Ouachita county."

Which said bills are herewith transmitted for the assent of your honorable body, which is respectfully asked.

The House of Representatives have also adopted House joint resolution No. 6, relative to a change in mail route No. 7,944, from Washington, Arkansas, to Shreveport, Louisiana.

Also, House joint resolution No. 8, relative to a change in mail route from Camden to Eldorado.

Which said resolutions are herewith transmitted for the concurrence of your honorable body, which is respecfully asked.

S. M. SCOTT, *Clerk of*
House of Representatives.

On motion of Mr. Marshall, Senate bill No. 17, to be entitled an act to provide for the *ad valorem* valuation of real estate, to which the committee on ways and means had reported adversely on yesterday, was taken up, and no motion being made to adopt the report of said committee, the bill was, on motion of Mr. Marshall, recommitted to the committee on the judiciary.

Message from the House of Representatives, by the clerk:

MR. PRESIDENT—

I am instructed to inform your honorable body that the House of Representatives have concurred in Senate joint resolution, to go into the election of public printer, on Saturday next, the 13th inst., at 12 o'clock, m.

S. M. SCOTT, *Clerk of*
House of Representatives.

Mr. Marshall offered the following

RESOLUTION:

Resolved, That the judiciary committee be instructed to inquire, and report to the Senate, whether the present law fixing the *minimum* price at which land shall be given in for taxes at three dollars per acre, is in conformity with the constitution.

Which was read, and, on motion of Mr. Clark adopted.

No. 33. Mr. McCreery introduced Senate bill to be entitled an act for the promotion of the agricultural and mechanical interests of this state.

Read the first time.

On motion of Mr. McCreery, the rules were suspended, the bill read the second time by title, and referred to the committee on agriculture.

On motion of Mr. Clark, leave of absence was granted to Mr. Rosson, on account of sickness.

No. 34. Mr. Floyd introduced a bill to be entitled an act to prevent persons from hiring slaves to work and perform manual labor on the Sabbath day without consent of the owner or overseer.

Read the first time.

On motion of Mr. Floyd, the rules were suspended, the bill read the second time by title, and referred to the committee on the judiciary.

No. 35. Mr. Floyd introduced Senate bill to be entitled an act to prevent parties from recovering more costs than judgment for trespass for slanderous words spoken.

Read the first time.

On motion of Mr. Floyd, the rules we suspended, the bill read the second time by title, and referred to the committee on the judiciary.

No. 36. Mr. McColloch introduced Senate bill to be entitled an act to incorporate the town of Hampton, in the county of Calhoun.

Read the first time.

On motion of Mr. McColloch, the rules were twice suspended, the bill read the second and third times, by title, and passed.

On motion of Mr. Douglas, the joint resolution of the House requesting the secretary of the democratic caucus, held on Tuesday night last, to furnish a copy of the proceedings of said caucus for publication, was taken up.

Mr. Douglas moved that the Senate concur in the resolution.

Mr. Gaines moved a call of the Senate.

Mr. Humphreys, having obtained the floor, moved that the Senate adjourn until 9½ o'clock to-morrow morning.

Which motion prevailed, and the Senate adjourned.

THOS. FLETCHER,
President.

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SATURDAY, *November* 13, 1858.

The Senate met pursuant to adjournment.

Prayer by Rev. A. H. Kennedy, chaplain.

Roll called.

PRESENT—Messrs. Carrigan, Clark, Davies, Douglas, Floyd, Gaines, Hammond, Hampton, Humphreys, Jones, Marshall, McCreery, McColloch, Pennington, Redmond, Rosson, Trimble, Watkins and Mr. President—19.

Mr. Marshall announced that Hon. Thomas B. Craighead, senator elect from the district composed of the counties of Mississippi and Crittenden, was present; and, thereupon, Mr. Craighead came forward, received the oath of office, which was administered by the President of the Senate, and took his seat.

The journal of yesterday was read, approved and signed.

Mr. Trimble was called to the chair.

Motions and resolutions were in order.

Mr. Gaines offered the following

RESOLUTION:

Resolved, That when the two houses of the General Assembly meet in convention this day to elect a state printer, they shall proceed to elect a land attorney and state collector, and that the House of Representatives be requested to concur herein.

Which was read and adopted.

Mr. Hammond offered Senate joint resolution No. 13, in these words:

Resolved by the General Assembly of the State of Arkansas, That the sum of one thousand dollars be, and is hereby appropriated out of any money in the treasury, not otherwise appropriated, to pay for the printing and binding the report of the geological survey of the State of Arkansas.

Which was read, and, on motion of Mr. Hammond, referred to the committee on public printing.

The introduction of bills was in order.

No. 37. Mr. Gaines introduced a bill, to be entitled an act to repeal the 23d and 24th sections of chapter 103 of Gould's Digest, under the head of "Cut-offs," approved January 15th, 1857.

Read the first time

On motion of Mr. Gaines, the rules were suspended, the bill read the second time, by title, and referred to the committee on swamp and overflowed lands.

No. 38. Mr. Floyd introduced a bill, to be entitled an act requiring parties litigant to be first sworn before other testimony can be introduced.

Read the first time.

On motion of Mr. Floyd, the rules were suspended, the bill read the second time, by title, and referred to the committee on the judiciary.

No. 39. Mr. Pennington introduced a bill, to be entitled an act to amend section 3, chapter 148, of the Digest of the Statutes of Arkansas.

Read the first time.

On motion of Mr. Hammond, the rules were suspended, the bill read the second time, by title, and referred to the committee on ways and means.

No. 40. Mr. Watkins introduced a bill, to be entitled an act authorizing the clerks of the circuit courts of the several counties in this state to issue subpœnas in vacation for witnesses to appear before the grand jury.

Read the first time.

On motion of Mr. Watkins, the rules were suspended, the bill read the second time, by title, and referred to the committee on the judiciary.

No. 41. Mr. Floyd introduced a bill, to be entitled an act to suppress and prevent litigation, and to establish and create courts of reconciliation within this state.

Read the first time.

On motion of Mr. Floyd, the rules were suspended, the bill read the second time, by title, and referred to the committee on the judiciary.

No. 42. Mr. McColloch introduced a bill, to be entitled an act to repeal section 145, of the Digest of the Statutes of 1858, under the head of "Administration."

Read the first time.

On motion of Mr. McColloch, the rules were suspended, the bill read the second time, by title, and referred to the committee on the judiciary.

Mr. McCreery offered the following

RESOLUTION:

Resolved, That the secretary be requested to procure a copy of the bill to aid the agricultural and mechanical interests of this state, from the committee on agriculture, and have two hundred copies printed for the use of the Senate.

Which was read, and, on motion of Mr. Floyd, adopted.

On motion of Mr. Redmond, House bill No. 32, to be entitled an act to amend the charter of the city of Helena, and for other purposes, was taken up and read the first time.

On his further motion, the rules were suspended, and the bill read the second time, by title.

Mr. Redmond moved to amend the 2d section of the bill by striking out the following words:

"Or to license them to remain therein under such regulations as said council may choose to adopt."

Which amendment was adopted, and on motion of Mr. Redmond the rules were again suspended, the bill read the third time by title and passed.

On motion of Mr. Floyd, Senate bill No. 19, to be entitled an act to abolish the credit system in the future sale of all public lands belonging to the State of Arkansas, or held in trust by her for any purpose whatever, was taken up and read the third time.

The question being on the passage of the bill, Mr. Douglas called for the yeas and nays.

Sustained and ordered.

YEAS—Messrs. Carrigan, Clark, Davies, Floyd, Gaines, Hammond, Humphreys, McCreery, McColloch, Redmond and Watkins—11.

NAYS—Messrs. Craighead, Douglas, Hampton, Jones, Marshall, Pennington, Rosson, Stirman, Trimble and Mr. President—10.

So the bill passed.

Message from the House of Representatives by their clerk:

Mr. PRESIDENT—

I am instructed to inform your honorable body that the House of Representatives have passed the following bills, to-wit:

House bill No. 18, to be entitled "an act to limit the responsibility of the master for trespasses, committed by his slave in those cases, where by our law he is liable, although the trespass be committed without the knowledge or consent of the master."

House bill No. 36, to be entitled "an act to authorize the assignment of certificates of purchase of saline lands."

House bill No 54, to be entitled "an act to authorize the clerk of the circuit and county courts of Desha county to transcribe certain records," and for other purposes.

House bill No. 58, to be entitled "an act to authorize the transcribing the assessment lists now in the clerks office of Crittenden county."

House bill No. 59, to be entitled "an act to declare Big Piney creek navigable."

Said bills numbered 18, 36, 54, 58 and 59, are herewith transmitted for the assent of your honorable body, which is respectfully asked.

S. M. SCOTT, *Clerk of*
House of Representatives.

On motion of Mr. Floyd the unfinished business was ordered to be taken up.

Senate bill No. 4, to be entitled "an act to grant relief to Elvira H. Brown, administratrix of the estate of William M. Brown, late sheriff of Marion county, Arkansas, was taken up and read the third time and passed.

Senate bill No. 30, to be entitled an act to levy a tax on deadly weapons, which was ordered to be engrossed last Wednesday for the third reading, was taken up and read the third time.

Mr. Rosson offered to amend by way of rider, as follows, to-wit:

"*Provided*, That nothing herein contained shall be so construed as to prevent any person from carrying a rifle, shot-gun or musket."

Which was decided out of order.

On motion of Mr. Stirman the bill was committed to the committee on education.

Message from the House of Representatives, by their clerk:

Mr. PRESIDENT—

I am instructed to inform your honorable body, that the House of Representatives have concurred in Senate resolution to go into the election of land attorney and state collector, this day at 12 o'clock m., after the election of public printer.

S. M. SCOTT, *Clerk of*
House of Representatives.

On motion of Mr. Gaines, the Senate took a recess.

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12 O'CLOCK, M.

The Senate met.

The following message was received from the House of Representatives, by their clerk:

Mr. PRESIDENT—

I am instructed to inform your honorable body that the House of Representatives are now ready to receive your honorable body in their hall for the purpose of going into the election of a state printer and a land attorney and state collector.

S. M. SCOTT, *Clerk of*
House of Representatives.

On motion of Mr. Floyd the Senate repaired to the hall of the House of Representatives, and being seated, the President announced the object of the convention, and stated that nominations for public printer were in order.

Mr. Redmond nominated the firm of Johnson & Yerkes, of Little Rock.

No other nomination being made, the rolls were called, when it appeared that Johnson & Yerkes had received a joint vote of eighty-five.

Those Senators voting for the firm of Johnson & Yerkes, were

Messrs. Carrigan, Clark, Craighead, Davies, Douglas, Floyd, Gaines, Hammond, Hampton, Humphreys, Jones, Marshall, McCreery, McColloch, Pennington, Redmond, Rosson, Stirman, Trimble, Watkins and Mr. President—21.

In the House Johnson & Yerkes received 64 votes, and Mr. Butler received one vote.

Whereupon, the President of the Senate announced that the firm of Johnson & Yerkes having received a majority of all the votes given was duly elected public printer for the State of Arkansas for and during the term prescribed by law.

The President of the Senate then announced that nominations for land attorney and state collector were in order.

Whereupon, Mr. Johnson of Desha, in the House, nominated J. W. McConaughey.

No other nomination being made the rolls were called, when it appeared that J. W. McConaughey had received on joint ballot eighty-five votes.

Those Senators who voted for J. W. McConaughey, were

Messrs. Carrigan, Clark, Craighead, Davies, Douglas, Floyd, Gaines, Hammond, Hampton, Humphreys, Jones, Marshall, McCreery, McColloch, Pennington, Redmond, Rosson, Stirman, Trimble, Watkins and Mr. President—21.

In the House J. W. McConaughey, received 64 votes.

Whereupon, the President of the Senate, announced that J. W. McConaughey having received the unanimous vote of the convention was duly elected land attorney and state collector for and during the term prescribed by law.

The objects for which the convention was assembled having been accomplished, the Senate returned to their chamber, and on motion of Mr. Pennington adjourned until 10 o'clock Monday morning.

THOS. FLETCHER,
President.

* * *

Monday, *November* 15, 1858.

The Senate met pursuant to adjournment.

Prayer by the chaplain.

Roll called.

Present—Messrs. Carrigan, Clark, Craighead, Davies, Douglas, Floyd, Gaines, Hammoud, Hampton, Humphreys, Jones, Marshall, McCreery, McColloch, Pennington, Redmond, Rosson, Smithson, Stirman, Trimble, Watkins, Williams and Mr. President—23.

The journal of Saturday was read, approved and signed.

Message from the House of Representatives, by their clerk:

Mr. President—

I am instructed to inform your honorable body that the House of Representatives have passed the following bills, to-wit:

House bill No. 66, entitled "an act to incorporate the Trustees of the Arkansas Baptist Convention."

House bill No. 65, entitled "an act to incorporate the town of Greenwood, in the county of Sebastian, Arkansas."

House bill No. 67, to be entitled "an act to revive and amend an act approved 10th January, 1851, entitled an act to incorporate the town of Smithville, in Lawrence county, approved 14th January, 1857."

House bill No. 74, entitled "a bill to change the name of John Wolf, of Hempstead county, Arkansas, to the name of John Taylor."

House bill No. 76, to be entitled an act to authorize the administrator of John E. Metcalf, to sell and convey title to all lands belonging to said Metcalf, in the State of Arkansas.

Said bills, numbered 65, 66, 67, 74 and 76, are herewith transmitted for the assent of your honorable body, which is respectfully asked.

S. M. SCOTT, *Clerk of*
House of Representatives.

Motions and resolutions were in order.

Mr. Smithson offered the following

RESOLUTION:

Resolved, That master David Dodd, be permitted and allowed to serve the Senate as page.

Which motion was read, when Mr. Douglas moved to lay the same on the table, on which motion the yeas and nays were demanded and sustained.

The roll was called and stood:

YEAS—Messrs. Carrigan, Craighead, Davies, Douglas, Hampton, Humphreys, Jones, Marshall, McCreery, McColloch, Pennington, Rosson, Trimble, Watkins and Mr. President—15.

NAYS—Messrs. Clark, Floyd, Gaines, Hammond, Redmond, Smithson and Stirman—7.

So the resolution was laid on the table.

Petitions from counties were in order.

Mr. McCreery presented the petition of sundry citizens living near the contemplated line of the Cairo and Fulton railroad company, remonstrating against further grant of land by Congress to the state for railroad purposes, and a continuation of those grants already made, unless the conditions specified in said grants are strictly complied with and especially the grant to the C. and F. R. R. Co., unless that road be built by 1863, and praying that when the lands so granted, become subject to entry, that actual settlers thereon shall be entitled to preemption; which was read and, on motion of Mr. McCreery, referred to the committee on internal improvements.

Reports from standing committees were in order.

Mr. Gaines, from the committee on the judiciary, made the following

REPORT:

Mr. President—

The committee on the judiciary, to whom was referred Senate bill No. 3, to be entitled an act to distribute the new Digest of the Statutes of Arkansas, have had the same under consideration and have instructed me to report it back to the Senate and recommend its passage, with some amendments.

GAINES, *Chairman.*

Amend the first section by adding as follows:

"*Provided*, That nothing in this act contained shall be so construed as to repeal any law not contained in said Digest."

Amend the second section by adding after the word "Union," in the fifth line, "and two copies to each of the governments of the Choctaw, Chickasaw and Cherokee nations of Indians."

Amend the second section by adding at the end:

"and two copies to the Supreme Court library."

Amend the sixth section by inserting at the end of the eighth line, the words—"the proceeds of sales made by him, and all moneys received from the clerks."

Also, by adding at the end of the section the words "made by them."

Which report was received and the amendments adopted.

On motion of Mr. Watkins, the bill was read the third time as amended, and passed.

Mr. Floyd, from the committee on banks, made the following

REPORT:

Mr. President—

The standing committee on banks, to whom was referred Senate bill No. 22, to be entitled an act to effectually prohibit the circulation of bank bills and notes, within this state, have had the same under consideration, and have instructed me to report it back to the Senate and ask to be discharged from the further consideration of the same.

FLOYD, *Chairman.*

Which report was read and adopted.

On motion of Mr. Floyd, the bill was referred to the committee of the whole, and made the order of the day for to-morrow, at 11 o'clock A. M.

Mr. McColloch from the committee on elections made the following

REPORT:

Mr. President—

The committee on elections, to whom was referred the petition of Philip Van Patten, in which petition he alleges that William A. Jones, (the sitting member), was not duly elected

State Senator in the 13th senatorial district, composed of the counties of Poinsett and St. Francis, but that he, the said Philip Van Patten, was himself duly elected from said district, have had the same under consideration, and submit the following

REPORT:

That, on the 31st day of August, A. D. 1858, the said Van Patten gave notice in due form of law, to William A. Jones, that he would contest his election as such senator, on the grounds that there were illegal votes cast for him (Jones) in all the townships in St. Francis county. That the manner of conducting the same was illegal in all of said townships in said county, and that there was a mistake made in the count of the poll books of each of said counties, composing the said senatorial district.

That he would, at the time and place mentioned in said notice, take depositions of witnesses to prove the same. By the law of this state, (see *Gould's Digest, p.* 479,) it is provided that if any candidate contest the election of a person returned duly elected to the state senate, such person shall give notice thereof, in writing, within twenty days after the return of the election to the clerk's office, expressing the points on which the same will be contested; further, that the time of taking depositions shall not be on a later day than thirty days from the day of the election.

The committee would not be disposed to overlook the provisions of the statute in this particular, in order to admit the legality of said notice, and the taking of said depositions at a later day than that prescribed by law, but for the reason that it appears from the depositions that the said Jones attended in obedience to said notice, and cross-examined, thereby waiving his right to any objection on that account, and to the taking of any legal or equitable objections, was thereby estopped.

In determining a question of a contested election, turning on the reception of illegal votes, when *that election* has been by ballot, much difficulty will readily be discovered to exist, and that it is almost an impossibility to establish any general rule which can safely be applied to all cases and under all circumstances.

Under this state of facts, the question presents itself whether, inasmuch as you cannot in all cases and under all circumstances, determine how many, and for whom, illegal votes have been cast, it would not be best to rest upon the decision of the judges of elections, whose business it is, as sworn officers, to judge of the qualifications of voters, "or for the sake of protecting the elective franchise, least the will of the people might be defeated," the votes should be carefully scrutinized, and those which were clearly found to be illegal, disregarded, and those about which doubts existed, should be permitted to remain as the judges found them.

Presuming that the latter principle would be sustained by the Senate, the committee have applied their best exertions to ascertain what are the facts in this case, and in doing this, they have come to the following conclusion:

1st. That the clerk of the county court of Poinsett county, in his return of the abstract made by him to the clerk's office of St. Francis county, (the first county named in the district,) of the election returns of his (Poinsett) county, for state senator, made a mistake in the addition thereof of ten votes in favor of William A. Jones, by taking the figure 2 for a figure 3, which mistake he testifies was detected by reference to the *tally sheet*. This mistake was made in returns from Ransom precinct. In *that* township it appears from the depositions of the clerk et al.. that there were but fifty-three votes polled at Ransom precinct, and, in the first count, Jones received 33 votes, but the error being detected, as before stated, left but 23 votes for Jones, and it also appears that Mr. Van Patten received 36 votes, and this is not disputed except in the proof that there were but 53 votes polled at that place, and by *every count* Jones received 23 of them. Here a serious difficulty presents itself to the committee, for if there were but 53 votes, and Jones (after deducting the 10 mistaken votes) got 23, there could not have been more than 30 for Van Patten; 23 and 30 making the whole number polled at that place, which was 53.

In order to explain this difficulty, Van Patten produced an affidavit, made by J. W. Duke, who testified that there were 62 votes polled at Ransom precinct, and that the list of votes consisted of two pieces of paper, and were not sealed together, and that the piece which should have been sealed to the other contained eight votes; presenting another equally difficult question; for, if that statement be true, then there must have been 54 votes on the other piece; when the fact is, that the clerk, upon examination and inspection of the polls, under oath, says there was but 53. Upon this point, the committee are bound to take the testimony of the clerk as true—the same having been taken in conformity of law; whereas, the affidavit of J. W. Duke was ex parte, without notice to Jones, not in pursuance of any rule of law known to the committee, and, therefore, must be regarded as incompetent.

It appears from the testimony of the clerk of Poinsett county, that upon examination of the poll-books of Puryear's store, there was a mistake in the addition, of five votes, in favor of Van Patten, of the votes cast at that precinct, by giving him, Van Patten, 98 votes, instead of 93 votes; and say that was a similar error to the one discovered, in favor of W. A. Jones, in Ransom township, except that there was no difficulty in the figures, that the error was discovered by reference to the tally-sheet. It is submitted by the counsel for Mr. Van Patten, that the tally-sheet has nothing to do with the matter. The committee regard the statute, as far as it relates to the conducting of the election, and counting the votes, as being directory in its provisions, and that it was competent for the clerk to examine any and all papers that were used at the polls and returned to his office, in order to arrive at the correct number of votes polled; and, upon the testimony of the said clerk, the committee agree that Mr. Van Patten received but (93) ninety-three votes at Puryear's store, instead of 98, as first shown upon the polls. The committee would not, however, be understood as deciding that the tally-sheet is a proper paper of reference to determine the number of votes polled, under all circumstances; yet, inasmuch as the clerk has been permitted to correct the mistake of 10 votes in his certificate of Jones' election, they deem it but just that he might, by like reference, correct a mistake of five votes in favor of Van Patten.

The vote of Mr. McGorhee was challenged by Van Patten, upon the ground that he had not been a citizen of the state six months prior to the election.

The proof, in the opinion of the committee, does not sustain the charge. A temporary absence from the state does not change the citizenship.

The vote of James Chester was objected to upon similar grounds, and is not sustained. The proof shows that Chester came to this state the 2d day of February, 1858,—to the 2d day of August, (election day) was just six months.

In this case, the committee have not adopted the rule usually observed by courts of law, *excluding one day*, but have held that he was legally entitled to vote.

Fleming Maham came to this state with Chester, and the same objection was taken to his vote; and, for the reason before expressed, was not sustained by the committee.

It is objected by Jones (by his attorney) that the depositions taken at the sheriff's office in ——— township, should not be read or received in evidence, inasmuch as he was notified of the taking at the court-house, and not at the sheriff's office, and that he did not attend nor cross-examine. But it is in evidence before the committee that the sheriff's office, in said township, is adjacent to the court-house, and that he (Jones) was notified of the transfer of the taking of said depositions from the court-house to the sheriff's office. Therefore, the committee decided, that the depositions should be received as evidence.

It is clearly proven that Edward Morsely voted for Jones at said election for state senator, and that the same was an illegal vote. He was proven to have been under lawful age, by evidence predicated upon information derived from the family record; which was the best that could be had; therefore, his vote was rejected; as also that of Ferdinand Stockard, for the same reason.

The committee are of opinion that the proof failed to sustain the charge of illegality of James Walker's vote. Also, failed to prove, to the satisfaction of the committee, that W. J. Neal was not a legal voter.

The vote of W. J. Ross was challenged by Van Patten, and proved to be illegal; but it turned out that he voted for Van Patten, and therefore, must be deducted from his vote.

W. C. Davis and Richard Spevy's votes were challenged by Van Patten. According to the evidence of Mr. Coldwell, the said Davis and Spevy left the city of Memphis 2d day of Feb., 1858, on a steamboat bound for Arkansas, and entered the St. Francis river in said state, on the 3d day of February—lacking one day of six months prior to the election held in August of said year.

The committee decided that the said Davis and Spevy were citizens of the State of Arkansas as soon as they came within the jurisdiction of said state; but as it was not proven that the boat which they were aboard of, ever crossed the middle of the the channel of the Mississippi river, on the Arkansas side, until the 3d day of February, they could not be entitled to a citizenship of six months on the day of the election; and, according to the provisions of the constitution of this state, were not legal voters. Wherefore, each of their votes were rejected. Both of them voted for W. A. Jones for state senator. This decision is made with considerable reluctance.

John Ramsey's vote for W. A. Jones, was challenged by Van Patten; but the committee are of opinion that the evidence does not prove him to be an illegal voter.

Ramsey testified before the judges of election to the best of his knowledge and belief, founded on information by letter from his mother, that he was twenty-one years old. The evidence introduced to prove Ramsey's minority, was founded on information of a county record, from which it appeared that Ramsey had been bound as an apprentice until he was twenty-one years of age, and that the time had not expired at the date of the election. This, the committee agree, was pretty strong evidence, but not conclusive, and they are disposed to give the doubt in favor of the voter.

It was further proven that the said Ramsey did vote for W. A. Jones, by consent of the judges; but afterwards, in the absence of Ramsey, and before the polls were closed, the said judges of the election opened the box, took therefrom the ticket of Ramsey and destroyed it; that said vote was not counted on the polls for Jones, which the committee decide he is entitled to.

The vote of Calvin Jones was challenged, but not sustained by proof; the whole being founded upon hearsay, and not upon common reputation, or from the family record.

James Davis was not a naturalized citizen. He voted for Van Patten, as shown by the evidence, and must be rejected as illegal.

STATEMENT.

In Poinsett and St. Francis counties, according to first count, W. A. Jones had	881	votes.
Deduct ten votes for mistake	10	
	871	
Add to this number the vote of Ramsey, taken from the box by the judges	1	
	872	
Deduct Davis, Spevy, Morsely and Stockard's votes, illegal	4	
Total number legal votes	868	
P. Van Patten, in both counties, according to first count, had	876	votes.
Deduct the vote of Ross	1	
	875	
Mistake in addition of the votes at Puryear's store	5	
	870	
Error in Ransom township of	6	
	864	
Deduct the vote of Davis	1	
	863	

RECAPITULATION.

Total for W. A. Jones	868	votes.
Uotal for P. Van Patten	863	"
W. A. Jones' majority	5	"

The committee have therefore decided that William A Jones is entitled to his seat as state senator from the 13th senatorial district, composed of the counties of Poinsett and St. Francis. Conscious of having discharged their duties faithfully and impartially, they most respectfully submit their report for your consideration.

J. B. McCOLLOCH, *Chairman.*
J. P. HUMPHREYS,
JOHN I. STIRMAN,
F. P. REDMOND.

Which report was read and received; when Mr. Marshall offered the following

RESOLUTION:

Resolved, That the memorial of Philip Van Patten be recommitted to the committee on elections, with instructions to send for the poll books and ballots of all the townships in dispute.

Which was read, but not adopted.

On motion of Mr. Hammond, the report of the committee just received was adopted.

Mr. Trimble, from the committee on enrollments, made the following

REPORT:

Mr. President—

The committee on enrollments did, on the 13th inst., examine Senate joint resolution No. 3, in relation to the Choctaw Nation.

Also, Senate joint resolution No. 10, in relation to a semi-weekly mail from Helena, Arkansas, to the Iron Mountain, in Missouri.

Also Senate bill No. 11, to legalize the sale of section 16, in Calhoun county.

Also Senate bill No. 16, to repeal an act, entitled an act declaring Petit Jean a navigable stream; and have instructed me to report the same correctly enrolled.

J. S. TRIMBLE, *Chairman.*

Which report was read and received.

No. 43. Mr. Humphreys, on leave, introduced Senate bill to be entitled an act to create a sinking fund for the ultimate redemption of the state bonds.

Read the first time.

On motion of Mr. Humphreys, the rules were suspended, the bill read the second time, by title, and referred to the committee on banks.

On motion of Mr. Clark House bill No. 65, to be entitled an act to incorporate the town of Greenwood, in the county of Sebastian, Arkansas, was taken up and read the first time.

On motion of Mr. Clark the rules were twice suspended, the bill read the second and third times by title, and passed.

On motion of Mr. Gaines House bill No. 54, to be entitled an act to authorize the clerk of the circuit and county courts of

Desha county to transcribe certain records, and for other purposes, was taken up and read the first time.

On motion of Mr. Gaines the rules were twice suspended, the bill read the second and third times by title, and passed.

On motion of Mr. Redmond, House bill No. 39, to be entitled an act for the relief and benefit of the township of Surrounded Hill, in Monroe county, was taken up and read the first time.

On motion of Mr. Redmond the rules were twice suspended, the bill read the second and third times by title, and passed.

On motion of Mr. Humphreys, House bill No. 76, to be entitled an act to authorize the administrator of John E. Metcalf to sell and convey title to all lands belonging to said Metcalf in the State of Arkansas, was taken up and read the first time.

On motion of Mr. Humphreys the rules were suspended, and the bill read the second time by title, and on motion of Mr. Floyd it was referred to the committee on the judiciary.

Mr. Humphreys at the same time presented a petition and sundry documents praying the passage of the bill authorizing the administrator of said John E. Metcalf to sell and give title to the lands of his estate in Arkansas, without requiring relinquishment of dower by the widow of said Metcalf.

Which petition and accompanying documents were read, and on motion of Mr. Humphreys, referred to the committee on the judiciary.

Mr. Stirman offered the following

RESOLUTIONS:

Resolved by the Senate, That the report of the committee on elections in relation to the contested election between Philip Van Patten, of Poinsett, and William A. Jones, of St. Francis county, for State Senator from their senatorial district, be fully concurred in by the Senate.

Resolved, That William A. Jones is fully entitled to the seat contested by P. Van Patten, for and during the term prescribed by the constitution of the State of Arkansas.

Resolved, That one hundred copies of said report of the committee on elections, be printed for the use of the Senate.

Which resolutions were read and unanimously adopted.

On motion of Mr. Pennington, House bill No. 5, to be entitled an act to change the name of Frances Isabella Smith, of Clark county, Arkansas, to that of Frances Isabella Rose, and make her a lawful heir of Christopher C. Rose and Lauretta Rose, his wife, of said county, was taken up and read the first time.

On motion of Mr. Pennington the rules were twice suspended, the bill read the second and third times, by title, and passed.

No. 44. Mr. Smithson, on leave, introduced a bill to be entitled an act to repeal all the laws of this state upon the subject of swamp lands.

Read the first time.

On motion of Mr. Smithson the rules were suspended and the bill read the second time.

And on motion of Mr. Pennington, it was referred to the committee on the judiciary.

On motion of Mr. Davies, the Senate adjourned until 10 o'clock to-morrow morning.

THOS. FLETCHER,
President.

TUESDAY, *November* 16*th*, 1858.

The Senate met pursuant to adjournment.

Prayer by the chaplain.

The roll was called, and the following Senators answered to their names:

Messrs. Carrigan, Clark, Craighead, Davies, Douglas, Floyd, Gaines, Hammond, Hampton, Humphreys, Jones, Marshall, McCreery, McColloch, Pennington, Redmond, Rosson, Smithson, Stirman, Trimble, Watkins, and Mr. President—22.

The journal of yesterday was read, approved and signed.

Petitions from counties were in order.

Mr. Marshall presented the petition of George W. Stokes, F. G. Gardenhire, Robert L. Mitchell and Stephen L. Bush, citizens of Lawrence county, in this state, representing that they had pursued and apprehended James Curry and Ronald Childs, two fugitives, who escaped from the jail of Fulton county, and had delivered them to the sheriff of that county on the 31st day of October, 1858, for which they had received no remuneration, and praying the General Assembly, inasmuch as the laws provide no compensation for their services, to pass a special act for their relief.

No. 45. Said petition was accompanied by a bill to be entitled an act for the relief of Felix G. Gardenhire, Robert L. Mitchell, George W. Stokes and Stephen L. Bush, of the county of Lawrence.

Which was read the first time.

On motion of Mr. Marshall, the rules were suspended, the bill read the second time, by title, and referred to the committee on claims.

Motions and resolutions were in order.

Mr. Hammond offered the following

RESOLUTION:

Resolved, That the committee on the judiciary take into consideration the propriety of passing an act giving the chancery courts the power of changing names, and constituting lawful heirs in certain cases, and that they be instructed to report by bill or otherwise.

Which was read, and on motion of Mr. Redmond, adopted.

The following Message was received from the House of Representatives by their clerk:

Mr. President—

I am instructed to inform your honorable body that the House of Representatives have passed the following bills, to-wit:

House bill No. 77, entitled "an act to incorporate the town of Warren, in Bradley county."

House bill No. 78, entitled "an act to revive and put in force an act to incorporate the town of Dover, in Pope county, approved 31st December, 1852."

House bill No. 79, entitled "an act for the relief of Emily Sophronia Quarles."

House bill No. 80, entitled "an act to constitute Julia Ann Rea and William Thomas Rea legal heirs of Israel Burns and Rebecca Burns, and entitling them to inherit jointly with the other children of said Israel and Rebecca."

House bill No. 82, entitled "an act to change a portion of the military road leading from Little Rock to Washington, Hempstead county."

House bill No. 87, entitled "an act constituting certain orphan children, legal heirs of G. W. Grant of Montgomery county, Arkansas."

House bill No. 90, entitled "an act to revive an act incorporating the town of Lewisville."

Said bills numbered 77, 78, 79, 80, 82, 87 and 90, are herewith transmitted for the assent of your honorable body, which is respectfully asked.

S. M. SCOTT, *Clerk of*
House of Representatives.

On motion of Mr. Clark the Senate reconsidered the vote of yesterday, on the passage of Senate bill No. 3, to be entitled an act to distribute the new Digest of the Statutes of Arkansas.

Mr. Floyd moved to recommit the bill to the committee on the judiciary, and after some debate the question was stated and the motion prevailed.

Mr. Humphreys from the committee on counties and county lines, made the following

REPORT:

Mr. President—

The committee on counties and county lines, to whom was recommitted Senate proposition No. 1, to amend section 29 of article IV of the constitution of the State of Arkansas, have had the same under consideration, and I am instructed by a majority of the committee to report it back to the Senate and ask to be discharged from any further consideration of the subject.

HUMPHREYS,
Chairman.

Which report was adopted and the committee accordingly discharged.

No. 46. Mr. Carrigan, on leave, introduced Senate bill to be entitled an act approving an act of the General Assembly of the State of Louisiana, incorporating the Louisiana, Arkansas and Texas navigation company.

Read the first time.

On motion of Mr. Carrigan, two hundred copies of said bill were ordered to be printed for the use of the Senate; and, on his further motion, the rules were suspended, the bill read the second time by title, and referred to a select committee of three.

Messrs. Carrigan, Clark and Rosson, were appointed such committee.

Mr. Gaines from the committee on the judiciary, made the following

REPORT:

Mr. President—

The committee on the judiciary to whom was referred House bill No. 76, to be entitled an act to authorize the administrator of John E. Metcalf to sell and convey title to all lands belonging to the estate of said Metcalf, in the State of Arkansas, have had the same under consideration and instructed me to report it back to the Senate and recommend its rejection.

GAINES,
Chairman.

Which report was read and adopted, and said bill thereby rejected.

On motion of Mr. Floyd, the Senate, pursuant to order, resolved itself into a committee of the whole, to consider of Senate bill No. 22, to be entitled an act to effectually prevent the circulation of bank notes and bills in this state—Mr. Hampton taking the chair.

After some time spent in deliberation, the committee rose, and through their chairman reported the following amendments to said bill, and asked to be discharged from the further consideration of the same:

Strike out the words "July" in the fourth line of the first section and insert "October" in lieu thereof.

Insert "any" before the word "kind" in the fifth line of the second section.

Which report and amendments were adopted.

Mr. Carrigan offered to amend the bill with the following proviso:

"That nothing in this act contained, shall apply to the circulation of bank bills, issued in the State of Louisiana, in the counties of Hempstead, Lafayette, Sevier, Ouachita and Calhoun."

Which amendment was lost.

On motion of Mr. Floyd the bill was read the third time as amended, and the question being on its passage, the yeas and nays were demanded, which was sustained, and the call made with the following result:

Yeas—Messrs. Clark, Douglas, Floyd, Gaines, Hammond, Humphreys, Marshall, McCreery, Pennington, Redmond, Rosson, Stirman, Trimble, Watkins and Mr. President—15.

Nays—Messrs. Carrigan, Craighead, Davies, Hampton, Jones and McColloch—6.

So the bill passed.

On motion of Mr. Hammond, the Senate adjourned until 10 o'clock, to-morrow morning.

THOS. FLETCHER,
President.

Wednesday, *November* 17, 1858.

The Senate met pursuant to adjournment.

Prayer by the chaplain.

Roll called.

Present—Messrs. Carrigan, Clark, Davies, Douglas, Floyd, Gaines, Hammond, Hampton, Humphreys, Jones, Marshall, McCreery, McColloch, Pennington, Redmond, Rosson, Smithson, Stirman, Trimble, Watkins and Mr. President—21.

The journal of yesterday was read, approved and signed.

Petitions from counties were in order.

Mr. McCreery presented the petition of certain members of the bar of the third judicial circuit representing that the terms of the courts in the several counties composing said circuit are two short for the proper disposition of the business arising therein; that, in consequence thereof cases are delayed until costs become oppressive to litigants; and praying for the speedy enactment of a law creating separate chancery courts in said circuit.

Referred to the select committee to whom was referred so much of the Governor's message as relates to judicial circuits.

Mr. Davies presented the petition of the grand jurors of Greene county, asking that two weeks be granted in which to hold each term of the circuit court.

Referred to the same committee..

Mr. Douglas presented the petition of sundry citizens of Washington county, relative to a change of the line between that county and Benton county.

Referred to the committee on counties and county lines.

Mr. Trimble from the committee on enrollments, made the following

REPORT:

Mr. President—

The committee on enrollments, did, on the 15th inst., hand to the Governor for his approval, Senate joint resolution No. 3.

Also, Senate joint resolution No. 10.

Also, Senate bill No. 11, to legalize the sale of section 16 in Calhoun county.

Also, Senate bill No. 16, to repeal an act entitled an act declaring Petit Jean a navigable stream; and have instructed me to report the same.

J. S. TRIMBLE,
Chairman.

Mr. Hammond moved to reconsider the vote of yesterday on the passage of Senate bill No. 22, to be entitled an act to effectually prevent the circulation of bank notes and bills in this state.

On which motion Mr. Humphreys called for the yeas and nays.

Sustained, and the call made with this result:

Yeas — Messrs. Carrigan, Craighead, Gaines, Hammond, Hampton, McColloch and Smithson—7.

Nays—Messrs. Clark, Davies, Douglas, Floyd, Humphreys, Marshall, McCreery, Pennington, Redmond, Rosson, Stirman, Trimble, Watkins and Mr. President—14.

So the motion to reconsider was lost.

Mr. Gaines, from the committee on the judiciary, made the following

REPORT:

Mr. President—

The judiciary committee, to whom was referred Senbill No. 9, have considered the same, and return it with a recommendation that it pass.

GAINES,
Chairman.

Which report was read and received.

On motion of Mr. Floyd, said Senate bill No. 9, to be entitled an act in reference to harboring and concealing runaway slaves, was read the third time.

Mr Redmond called for the yeas and nays on the passage of the bill.

Sustained and ordered, with the following result:

Yeas—Messrs. Carrigan, Clark, Craighead, Davies, Douglas, Floyd, Gaines, Hammond, Hampton, Humphreys, Marshall, McCreery, McColloch, Pennington, Redmond, Rosson, Smithson, Stirman, Trimble, Watkins and Mr. President—21.

Nays—None.

So the bill passed *nem. con.*

Mr. Gaines, from the committee on the judiciary, made the following

REPORT:

Mr. President—

The judiciary committee, to whom was referred Senate bill No. 13, have considered the same, and recommend its rejection.

GAINES,
Chairman.

Which report was received, and, after some discussion by Mr. Humphreys for and Mr. Floyd against the bill as it was, the same was, on motion of Mr. Redmond, recommitted to the committee on the judiciary—being Senate bill for an act to prevent any officer or officers from embezzling.

Mr. Gaines, again, from said committee made the following

REPORT:

Mr. President—

The judiciary committee, to whom was referred Senate bill No. 25, have considered the same, and recommend its passage.

GAINES,
Chairman.

Which report was read and received, and, on motion of Mr. Carrigan, said Senate bill No. 25, to be entitled an act to amend section 18, of chapter 89, of the Digest of the Statutes of

Arkansas, under the head of "Estrays," was read the third time and passed.

Mr. Gaines, again, from said committee, made the following

REPORT:

Mr. President—

The judiciary committee, to whom was referred Senate bill No. 34, have considered the same, and instruct me to return it, and recommend its passage.

GAINES,
Chairwan.

Which report was read and received.

After some discussion, said Senate bill No. 34, to be entitled an act to prevent persons from hiring slaves to work and perform manual labor on the Sabbath day, without the consent of the owner or overseer, was, on motion of Mr. Pennington, read the third time and passed.

The following message was received from the governor, and read by A. H. Rutherford, esq., to-wit:

Executive Office,
Little Rock, Arkansas,
17th November, 1858.

To the President of the Senate—

For the information of the Senate, a copy of the resignation of Thomas B. Hanly of his office as one of the justices of the supreme court of the State of Arkansas, is herewith transmitted, so that the General Assembly may proceed to elect his successor.

ELIAS N. CONWAY.

(A COPY.)

Phillips County, Ark's,
Aug. 11*th*, 1858.

His Excellency, E. N. Conway,

Dear Sir—I have determined to resign my office as one of the justices of the supreme court of this state, to take effect on the first of November next. I notify you in advance, that my intention may be made known to the public, and the fact be officially communicated by you to the next General Assembly in your message to that body, so that they may at once proceed to elect my successor.

I have been impelled to this step by the ill health of my family, and the disasters to my planting interests, resulting from the recent flood in our river.

With sentiments of high regard, I am, sir, very truly, your friend and ob't serv't,

(Signed.) THOMAS B. HANLY.

The following message was also received from the governor:

Executive Office,
Little Rock, Arkansas,
17th November, 1858.

To the President of the Senate—

A copy of a communication from the president of the Memphis and Little Rock railroad company is herewith transmitted. It announces the gratifying facts, "that on Friday last, the 12th inst., the last rail was laid on the first division of the Memphis and Little Rock railroad, and that a train of locomotives and cars passed over its entire length."

This division of the road extends from the Mississippi river, at Hopefield, opposite Memphis, southwestwardly towards Little Rock, to a point opposite Madison, on the St. Francis river.

The fact of the completion of forty miles of railroad in Arkansas, is well worthy of being recorded upon the journals of your proceedings.

While we rejoice at this decided progress towards connecting by railroad the capital of onr state with the Mississippi river and Memphis, we ought not to forget that we are indebted to Memphis, and to many of her enterprising citizens, for the means and energy required to build this forty miles of railroad in our state.

The Memphis and Little Rock railroad company, with its president of experience, good judgment and of great energy and industry, needs but proper encouragement to insure the completion of the whole road at no very distant period. If the recommendation of the executive be carried out in a liberal spirit, the 45 miles of the road extending from Little Rock to White river can be completed by the first day of January, 1861. If the General Assembly will make provision for this, it will induce capitalists to come forward and furnish ample means to complete the middle division by the first day of December, 1862. With such prospects before us, can there be any hesitation about the matter? Shall our state have this railroad or not? The General Assembly, by its action, will doubtless respond in the affirmative.

ELIAS N. CONWAY.

(A COPY.)

ANTHONY HOUSE, *Little Rock, Ark.*,
November 16th, 1858.

His Excellency ELIAS N. CONWAY—

Sir: It becomes my agreeable duty, to inform you, that on Friday last, the 12th inst., the last rail was laid on the first division of the Memphis and Little Rock railroad, and a train of locomotives and cars passed over its entire length.

The above result is no doubt gratifying to you, and to every other well wisher of the prosperity of the state.

The requirements of the act of the legislature has thus been complied with, and I hope your excellency will avail yourself of your earliest leisure, so examine said road, and grant the company the certificate required by the act of Congress donating the lands, so as to enable the company to sell the lands contiguous to the completed division.

I rejoice to see the recommendation in your excellency's message to the legislature, and should they sanction the move so nobly taken by you, and make practicable your suggestions, the time is not far distant when the announcement will be made of the entire completion of the work.

Very truly, your ob't serv't,
(Signed.) JOHN ROBERTSON, *President of the Memphis and Little Rock R. R. Co.*

Mr. Gaines, from the committee on the judiciary, made the following

REPORT:

MR. PRESIDENT—

The judiciary committee, to whom was referred Senate bill No. 18, have had the same under consideration, and have instructed me to report it back to the Senate and recom- its rejection.

GAINES,
Chairman.

Which report was received, and ordered to be laid on the table for the present.

Mr. Gaines, further from said committee, made the following

REPORT:

MR. PRESIDENT—

The judiciary committee, to whom was referred Senate bill No. 40, have had the same under consideration, and have instructed me to report it back to the Senate and recommend its passage.

GAINES,
Chairman.

Which report was read and received; and on motion of Mr. Watkins, said Senate bill No. 40, to be entitled an act to authorize the clerks of the circuit courts of the several counties in this state to issue subpœnas in vacation for witnesses to appear before the grand jury, was read the third time and passed.

Mr. Gaines again, from said committee, made the following

REPORT:

Mr. President—

The judiciary committee, to whom was referred Senate bill No. 15, have had the same under consideration, and have instructed me to report it back to the Senate and recommend its rejection.

GAINES,
Chairman.

Which report was read and adopted; and said Senate bill No. 15, to be entitled " an act to abolish peremptory challenges to jurors, and for other pusposes," thereby rejected.

Mr. Gaines further, from the same committee, made the following

REPORT:

Mr. President—

The judiciary committee, to whom was referred Senate bill No. 8, have had the same under consideration, and a majority of said committee have instructed me to report the same back to the Senate with some amendments, and with the amendments, to recommend its passage.

GAINES,
Chairman.

AMENDMENTS:

Strike out the words " of whole or mixed blood," in the first line of section 5, and in the third line of section 6.

Insert the words " or mulattoes," after the words " free negroes" wherever they occur in the bill.

On motion of Mr. Floyd, the amendments were adopted, and the bill ordered to take its place on the files.

Mr. Carrigan, from a select committee, made the following

REPORT:

Mr. President—

The select committee, to whom was referred Senate bill No. 46, to be entitled " an act approving an act of the General Assembly of the State of Louisiana, incorporating the Louisiana, Arkansas and Texas navigation company," have had the same under consideration, and have instructed me to report it back to the Senate and recommend its passage.

CARRIGAN,
Chairman.

Which report was received; and said Senate bill No. 46 ordered to take its place on the files.

No. 47. Mr. Clark, on leave, introduced Senate bill to be entitled an act to give to each settler on any of the swamp and overflowed lands in the Clarksville and Fayetteville districts, one hundred sixty acres of such lands.

Read the first time.

On motion of Mr. Clark, the rules were suspended, the bill read the second time by title, and referred to the committee on swamp and overflowed lands.

No. 48. Mr. McColloch, on leave, introduced Senate bill to be entitled an act to aid in the construction of the Mississippi, Ouachita and Red river railroad.

Read the first time.

On motion of Mr. McColloch, the rules were suspended, and the bill read the second time, by title, and referred to a select committee of three.

Messrs. McColloch, Carrigan and Gaines were appointed such committee.

On motion of Mr. McColloch, the Senate adjourned until 10 o'clock to-morrow morning.

THOS. FLETCHER,
President.

THURSDAY, *November* 18*th*, 1858.

The Senate met pursuant to adjournment.

Prayer by the chaplain.

Roll called.

PRESENT—Messrs. Carrigan, Clark, Craighead, Davies, Douglas, Floyd, Gaines, Hammond, Hampton, Humphreys, Jones, Marshall, McCreery, McColloch, Pennington, Redmond, Rosson, Smithson, Stirman, Trimble, Watkins and Mr. President—22.

The journal of yesterday was read, approved and signed.

The following message was received from the House of Representatives by the clerk:

Mr. PRESIDENT—

I am authorized to inform your honorable body that the House of Representatives have passed the following House bills, to-wit:

House bill No. 33, entitled "an act to preserve certain records belonging to the clerk's office in Crittenden county."

House bill No. 35, entitled an act for the relief of James H. Hearndon."

Engrossed House bill No. 51, entitled "an act to prevent the sale of spirituous liquors to slaves."

House bill No. 102, entitled "an act to pay the judge of the probate and county courts of Drew county a regular salary per annum."

House bill No. 103, entitled "an act amendatory of 'an act concerning estrays, and forfeitures and fines in Polk county,' approved Dec. 31, 1852."

House bill No. 105, entitled "an act to amend an act entitled 'an act to incorporate the city of Arkadelphia.'"

House bill No. 30, entitled "an act to repeal 'an act declaring Ouachita river a navigable stream in Polk and Hot Spring counties.'"

House bill No. 107, entitled "an act to repeal an act declaring Buffalo Fork of White river a navigable stream."

Said bills, numbered 33, 35, 51, 102, 103, 105, 30 and 107, are herewith transmitted for the assent of your honorable body, which is respectfully asked.

The House of Representatives have also adopted the following joint resolutions, to-wit:

No. 2, relative to a four horse mail coach route from Batesville to Fayetteville.

No. 3, to establish a mail route from Ultima Thule, Arkansas, to Boston, Texas.

No. 18, relative to reducing the price of the public lands offered for sale at the graduated prices.

Said resolutions, numbered 2, 3 and 18, are herewith transmitted for the concurrence of your honorable body, which is respectfully asked.

The House of Representatives have concurred in Senate joint resolution No. 2, relative to certain graduated public lands.

Also concurred in Senate joint resolntion No. 4, relative to a mail route from Huntsville to Waldron.

Said resolutions numbered 2 and 4 are herewith returned

The House of Representatives have concurred in Senate joint resolution No. 5, relative to a semi-weekly mail in two horse coaches from Fort Smith to Washington, Hempstead county, with two several amendments thereto, in which the concurrence of your honorable body is respectfully asked.

Said resolution and amendments are herewith transmitted.

The House of Representatives have assented to the amendment of the Senate to House bill No. 32, entitled "an act to amend the charter of the city of Helena, and for other purposes."

S. M. SCOTT, *Clerk of*
House of Representatives.

Mr. Jones presented the following communication:

MADISON, Nov. 12, 1858.

Hons. President of the Senate, and
Speaker of the House of Representatives:

The county court of St. Francis county having taken the initiatory step, her citizens, with great unanimity, have determined to express their gratification at the completion of the first division of the Memphis and Little Rock railroad, by a free barbecue at their county town, Madison, on Tuesday, the 30th inst.

The locomotive, " Little Rock," announced her arrival on the east bank of the St. Francis river on the 10th inst., by a shrill whistle that indicated to the assembled multitude the inauguration of a new era in Arkansas. She but pauses to gather strength for her magnificent march to the rich and teeming far west. How long will she pause? Will not the embodied voice of Arkansas, through her legislature answer in terms that will manifest to the world that it is momentary, and that she is determined that the Memphis and Little Rock railroad shall be the first link in the chain that is to connect the Atlantic and Pacific?

The undersigned committee of invitation, in obedience to special instructions, tender to you and the bodies over which you respectively preside, in behalf of your fellow-citizens of St. Francis, a cordial invitation to be present on the occasion.

Respectfully,
C. COLDWELL,
JNO. W. MALLORY.
DOCT. FINDLEY.

On motion of Mr. Clark, a committee of five was appointed to respond to the invitation, and the secretary instructed to transmit a copy thereof to the House of Representatives.

Committee: Messrs. Clark, Redmond, McCreery, Jones and Watkins, appointed on the part of the Senate.

Petitions from counties were in order.

Mr. McCreery presented a second petition from the members of the bar in the third judicial circuit, representing more fully the matters complained of in the petition presented by him on yesterday, from the same source.

Which was referred to the select committee to whom was referred so much of the governor's message as relates to the judicial circuits.

Mr. Gaines presented a second petition from sundry citizens of Chicot county, in behalf of Alice O'Bannon.

Referred to the committee on swamp and overflowed lands.

Mr. Trimble, from the committee on enrollments, made the following

REPORT:

Mr. PRESIDENT—

The committee on enrollments have examined House joint resolution No. 4.

Also, House bill No. 5.

Also, an act for the relief of the township of Surrounded Hill, in Monroe county; and have instructed me to report the same correctly enrolled.

J. S. TRIMBLE,
Chairman.

Mr. Humphreys offered the following joint

RESOLUTION:

Resolved by the General Assembly of the State of Arkansas, That our Senators in Congress are instructed and our Representatives are requested to use all the influence within their power to suppress and put down every attempt to re-open the African slave trade.

Mr. Carrigan moved to lay the resolution on the table indefinitely; on which motion, the yeas and nays were demanded, and stood:

YEAS—Messrs. Carrigan, Clark, Craighead, Davies, Floyd, Gaines, Hammond, Hampton, Jones, Marshall, McCreery, McColloch, Pennington, Redmond, Rosson, Smithson, Stirman, Trimble, Watkins and Mr. President—20.

NAYS—Messrs. Douglas and Humphreys—2.

So the resolution was laid on the table indefinitely.

The following message was received from the governor:

Mr. PRESIDENT—

I am instructed by the governor, to report to the Senate of the General Assembly of the State of Arkansas, that on the 17th November, 1858, he approved and signed "an act to repeal an act entitled an act declaring Petit Jean a navigable stream."

"An act to legalize the sale of section sixteen, in Calhoun county."

And, that he also signed and approved a joint resolution directing the secretary of state to furnish the authorities of the states of the Choctaw, Cherokee and Chickasaw Nations, each, with the same number of public documents of the State of Arkansas, as is furnished to the respective states of the United States.

And also, a joint resolution instructing our Senators and requesting our Representatives in Congress, to use their influence to procure a semi-weekly mail, by two-horse stages, from Helena, Arkansas, to the Iron Mountain, in Missouri.

A. H. RUTHERFORD,
Acting Private Secretary.

Mr. Gaines, from the committee on the judiciary, made the following

REPORT:

Mr. President—

The judiciary committee have again considered Senate bill No. 3, to be entitled an act to distribute the new Digest of the Statutes of Arkansas, and a majority of the committee have instructed me to report it back to the Senate, with only a slight amendment, by inserting the words "as such," after the word "distributed," in the sixth line of the first section, and with this amendment again recommend the passage of the bill. Two members of the committee are in favor of striking out the proviso to the first section, and four against it.

GAINES,
Chairman.

Mr. McColloch, from the same committee, made the following minority

REPORT:

Mr. President—

The undersigned, a part of the committee on the judiciary, to whom was referred Senate bill No. 3, to provide for distributing the new Digest of the Statutes, prepared by Josiah Gould, have had the same under consideration, and submit the following minority report:

That by the provisions of an act of the General Assembly of this state, approved January 14th, 1857, it was made the duty of the governor to appoint some suitable person to revise and digest the statutes of this state; that by the provisions of said act, it was also made the duty of the governor to appoint some person learned in the law to inspect and carefully examine said work of revision, etc., and upon the certificate of the person so appointed, that the same was a correct and complete digest of all public or general laws then in force, the digester should deliver the same to the public printer, etc. It is submitted by your committee that the Digest was prepared and inspected in pursuance of said act of the legislature, and that nothing remains to be done by this body but to pass an act to distribute the same.

It is further submitted that said Digest is entitled to the sanction and endorsement of this legislative body, as the law of the land, and that any language whereby it might be inferred that said work does not receive the sanction of this General Assembly, as a correct and complete Digest, would be attended with evil consequences, and ought not to be used—we therefore earnestly recommend the passage of the bill as originally introduced, without any amendment.

Respectfully submitted,

J. B. McCOLLOCH,
GREEN J. CLARK.

Said two reports were read, and pending the discussion thereof, the Senate, on motion of Mr. Smithson, adjourned until 10 o'clock to-morrow morning.

THOS. FLETCHER,
President.

* * *

FRIDAY, *November* 19, 1858.

The Senate met pursuant to adjournment.

Prayer by the chaplain.

Roll called.

PRESENT—Messrs. Carrigan, Clark, Craighead, Davies, Douglas, Floyd, Gaines, Hammond, Hampton, Humphreys, Jones, Marshall, McCreery, McColloch, Redmond, Rosson, Smithson, Stirman, Trimble, Watkins, and Mr. President—21.

The journal of yesterday was read, approved and signed.

Mr. Clark offered the following joint resolution, No. 15, to-wit:

Resolved by the General Assembly of the State of Arkansas, That our Senators be instructed, and our Representatives in Congress requested, to use all honorable means in their power to procure a grant of land from the general government to aid in the construction of a railroad from Des Arc, on White river, *via* Dardanelle, to Fort Smith, Arkansas.

Which resolution was read, when Mr. McColloch offered to amend by adding "also, a grant to aid in the construction of the Mississippi, Ouachita and Red river railroad."

Amendment adopted.

Message from the House of Representatives by the clerk:

Mr. PRESIDENT—

I am instructed to inform your honorable body that the House of Representatives dave concurred in Senate amendment to House joint resolution No. 5, relative to a grant of lands to build a railroad from Ft. Smith to the Missouri line, in the direction of Springfield, Mo.

The House of Representatives have passed the following bills, to-wit:

No. 10, entitled "an act for the relief of Robert C. Newton."

No. 45, entitled "an act to provide for the salary of the probate judge of the county of Chicot, and also to increase the fees of justices of the peace of said county."

No. 108, entitled "an act for the relief of Ralph Arnold, former sheriff of Marion county, Arkansas."

Said bills, numbered 10, 45 and 108 are herewith transmitted for the assent of your honorable body, which is respectfully asked.

The House of Representatives have also adopted the following joint resolutions, viz:

No. 3, relative to a change in the mail route from Little Rock to Fort Smith.

No. 9, relative to procuring public lands for educational purposes.

No. 12, relative to a modification of the United States law regulating trade and intercourse with Indian nations."

No. 16, memorial and resolution relative to an appropriation to erect public buildings at Little Rock, for the use of the United States courts and officers."

Said resolutions are herewith transmitted, for the concurrence of your honorable body, which is respectfully asked.

The House of Representatives have assented to Senate bill No. 29, entitled " an act to change the time of holding the probate courts of the counties of Bradley and Scott.

Also, the House have concurred in Senate joint resolution No. 9, relative to mail from Memphis to Madison, thence to Little Rock in 24 hours.

Said bill and resolution are herewith returned.

S. M. SCOTT, *Clerk of*
House of Representatives.

Mr. Smithson offered Senate joint resolution No. 16, to-wit:

Resolved by the General Assembly of the State of Arkansas, That our Senators in Congress be instructed, and our Representatives requested, to support a just and proper homestead bill, which will provide for the cession of the public lands of the United States to the states in which they lie for that purpose.

Which was read.

Mr. Gaines was called to the chair.

Mr. Humphreys from the committee on claims made the following

REPORT:

MR. PRESIDENT—

The committee on claims, to whom was referred the petition of George W. Stokes and others, accompanied by Senate bill No. 45, have had the same under consideration, and have agreed to amend the bill by striking out "four hundred" and inserting "two hundred" dollars, and being so amended the committee recommend its passage.

HUMPHREYS,
Chairman.

Which report was read and received, when Mr. Hampton moved to reject the amendment proposed by the committee, on which motion Mr. Rosson demanded the yeas and nays with the following result:

Yeas—Messrs. Carrigan, Floyd, Gaines, Hampton, Marshall, McCreery, Redmond and Mr. President—8.

Nays—Messrs. Clark, Davies, Douglas, Hammond, Humphreys, Jones, McColloch, Rosson, Smithson, Stirman, Trimble and Watkins—12.

So the motion to reject the amendment was lost, and thereupon, on motion of Mr. Humphreys, the same was adopted.

On motion of Mr. Hammond, the bill was then read the third time, as amended, and passed.

The following message was received from the House of Representatives by their clerk:

Mr. President—

I am instructed to inform your honorable body that House of Representatives have responded favorably to Senate communication of this day, to appoint a committee to respond to the invitation of the citizens of Madison to the legislature, to attend a free barbecue, on the 30th inst., at Madison, in commemoration of the completion of the first division of the Memphis and Little Rock railroad.

The committee on the part of the House, are Messrs. Dunn, Duval, Johnson of Desha, Griffin and Venable.

S. M. SCOTT, *Clerk of*
House of Representatives.

Mr. Smithson, from the committee on agriculture, made the following

REPORT:

Mr. President—

The committee, to whom was referred Senate bill No. 33, have had the same under consideration, and a majority of the committee have instructed me to report the bill back to the Senate without amendment, and recommend its passage.

B. H. SMITHSON, *Chairman*
of Committee on Agriculture.

Which report was read and received.

On motion of Mr. McCreery, said Senate bill No. 33, to be entitled an act to promote the agricultural and mechanical interests of this state, was referred to the committee of the

Senate, and made the order of the day for Monday next at 11 o'clock, a. m.

Mr. McColloch from a select committee made the following

REPORT:

Mr. President—

The select committee, to whom was referred Senate bill No. 48, have had the same under consideration, and a majority of said committee have instructed me to report the same back to the Senate and recommend its passage—Gaines dissenting.

J. B. McCOLLOCH,
Chairman.

Which report was read and received.

Mr. President resumed the chair, and at the request of Mr. Gaines, the report made by Mr. McColloch was laid on the table for the present, to give him time to present a minority report.

Mr. Trimble, from the committee on enrollments, made the following

REPORT:

Mr. President—

The committee on enrollments did, on the 18th inst., hand to the governor, for his approval, House joint resolution No. 4.

Also, House bill No. 5.

Also, an act for the relief of the township of Surrounded Hill, in Monroe county, and have instructed me to report the same.

J. S. TRIMBLE,
Chairman.

Which report was read and received.

Mr. Gaines, from the committee on the judiciary, made the following

REPORT:

Mr. President—

The judiciary committee to whom was referred a resolution, directing them to inquire into the expediency of giving to the chancery court the power to change names, etc., have had the same under consideration, and directed me to report recommending its rejection, because the existing laws provide sufficiently for the objects contemplated by the resolution.

GAINES,
Chairman.

Which report was, on motion of Mr. Rosson, adopted, and the resolution thereby rejected.

Mr. Gaines again, from said committee, made the following

REPORT:

Mr. President—

The judiciary committee, to whom was referred Senate bill No. 44, have had the same under consideration, and instructed me to report it back and recommend its rejection.

GAINES,
Chairman.

Which report was, on motion of Mr. Redmond, adopted, and said Senate bill No. 44, to be entitled an act to repeal all the laws of this state upon the subject of swamp land was thereby rejected.

No. 49. Mr. Hammond introduced Senate bill to be entitled an act to repeal the sixth section of an act to amend an act to aid in the construction of the Cairo and Fulton railroad, approved November 26, 1856.

Read the first time.

On motion of Mr. Rosson, the rules were suspended, the bill read the second time, by title, and referred to the committee on internal improvements.

No. 50. Mr. McCreery introduced Senate bill to be entitled an act for the benefit of the public health.

Read first time.

On motion of Mr. Hammond, the rules were suspended, the bill read the second time by title; and on motion of Mr. McCreery, was referred to a select committee of three.

Mr. President appointed Messrs. Davies, Stirman and Hammond such committee.

Mr. Stirman gave notice that he would, on Saturday next, or some convenient day thereafter, introduce a bill to authorize the building of a public bridge over Pitit Jean creek, on the road from Dardanelle to Little Rock and Hot Springs.

No. 51. Mr. Jones introduced a bill to be entitled an act to repeal an act to amend an act, entitled an act to authorize the county courts of the counties of Jackson, Crawford, Pope, Lafayette, Crittenden, Monroe, Columbia and Pulaski, to levy a road tax, and for other purposes, and to revive and put in force all road laws in force at the time of the passage of said act.

Read the first time.

On motion of Mr. Jones, the rules were twice suspended, the bill read the second and third times, by title, and passed.

On motion of Mr. Floyd, House bill No. 78, to be entitled an act to revive and put in force an act to incorporate the town of Dover, in Pope county, was taken up and read the first time.

On the further motion of Mr. Floyd, the rules were twice suspended, the bill read the second and third times and passed.

On motion of Mr. Hampton, House bill No. 77, to be entitled an act to incorporate the town of Warren, in Bradley county, was taken up and read the first time.

On the further motion of Mr. Hampton, the rules were suspended, the bill read the second time, by title, and referred to the committee on the judiciary.

On motion of Mr. Gaines, House bill No. 102, to be entitled an act to pay the judge of the probate and county courts of Drew county a regular salary per annum, was taken up and read the first time.

On the further motion of Mr. Gaines, the rules were twice suspended, the bill read the second and third times and passed.

On motion of Mr. Carrigan, Senate bill No. 46, to be entitled an act appproving an act of the General Assembly of the State of Louisiana, incorporating the Louisiana, Arkansas and Texas navigation company was taken up,

Mr. McColloch offered to amend the bill by adding, at the end of the ninth line of section 4, the words, " and similar tolls upon all freights not mentioned herein."

On motion of Mr. Clark, adopted.

Mr. Clark moved that the bill be placed on its third reading; but, after some discussion, withdrew the motion.

And, on motion of Mr. Hammond, the Senate adjourned until 10 o'clock to-morrow morning.

THOS. FLETCHER,
President.

SATURDAY, *November* 20, 1858.

The Senate met pursuant to adjournment.

Prayer by the chaplain.

Roll called.

PRESENT—Messrs. Carrigan, Clark, Craighead, Davies, Douglas, Floyd, Gaines, Hammond, Hampton, Humphreys, Jones, Marshall, McCreery, McColloch, Redmond, Rosson, Smithson, Stirman, Trimble, Watkins and Mr. President—21.

The journal of yesterday was read, approved and signed.

Message from the House of Representatives, by their clerk:

Mr. PRESIDENT—

I am instructed to inform your honorable body that the House of Representatives have adopted the following resolution, viz:

Resolved, That on the first Monday of December, at 11 o'clock, a. m., that we proceed to the election of an associate justice of the supreme court of this state, to fill the vacancy caused by the resignation of Hon. Thos. B. Hanly, and that the Senate be requested to concur herein.

Which is herewith transmitted for the concurrence of your honorable body, which is respecfully asked.

S. M. SCOTT, *Clerk of*
House of Representatives.

Reports from standing committees were in order.

Mr. Gaines, from the committee on the judiciary, made the following

REPORT:

Mr. President—

The judiciary committee, to whom was referred Senate bill No. 7, have had the same under consideration, and have instructed me, by a majority, (Mr. Floyd dissenting), to report it back and recommend its rejection.

GAINES,
Chairman.

Which was read, when Mr. Floyd, from said committee, presented the following minority

REPORT:

Mr. President—

The undersigned, a minority of the committee on the judiciary, to whom was referred Senate bill No. 7, to regulate and prescribe the fees of attorneys prosecuting for the state in criminal cases, have had the same under consideration, and would, most respectfully, make the following minority report:

Nothing is more clear that the law now in force makes the office of prosecuting attorney, in effect, a sinecure, giving to him salaries and fees of office that are oppressive on the people, and gives him a privilege that is not enjoyed by others—a privilege to authorize him, if he chooses, to make concessions to those who are charged with the commission of crime. Again, the fees that are now allowed to prosecuting attorneys are greater than should be allowed, as it amounts to a species of persecution against parties who are charged with misdemeanors, and, in many cases, reaches the unfortunate families of parties that are charged and found guilty of an offence.

With these views, the undersigned would most respectfully urge the rejection of the majority report, and the adoption of the report of the minority, and put the bill on its passage.

WM. W. FLOYD.

Which was read, when Mr. Rosson moved to adopt the majority report.

Mr. Floyd called for the yeas and nays thereon, but before the call was sustained, a discussion arose, and, at the conclusion thereof, the bill and reports were, on motion of Mr. Hampton, laid upon the table until Tuesday next; the chair deciding that motion to have precedence.

Mr. Watkins was called to the chair.

Mr. Gaines, from the committee on the judiciary, made the following

REPORT:

Mr. President—

The committee on the judiciary, to whom was referred Senate bill No. 28, have had the same under consideration, and a majority of said committee have instructed me to report the same back and recommend its rejection.

GAINES,
Chairman.

Which was read, and, on motion of Mr. Rosson, laid on the table, with the bill, for the present.

Mr. Hampton, from the committee on internal improvements, made the following

REPORT:

Mr. President—

The standing committee on internal improvements, to whom was referred Senate bill No. 49, entitled an act to repeal the sixth section of an act to aid in the construction of the Cairo and Fulton railroad, approved 26th November, 1856, have had the same under consideration, and have adopted a substitute for said bill, which is herewith reported, and the passage thereof recommended by the majority of the committee.

HAMPTON,
Chairman.

No. 52. Which report was received, and said substitute, being Senate bill, to be entitled an act concerning the Cairo and Fulton railroad and its two branches, was read the first time.

On motion of Mr. Redmond, one hundred copies of the bill were ordered to be printed, and the consideration of the same postponed until Tuesday next.

Mr. Trimble, from the committee on enrollments, made the following

REPORT:

Mr. Ppesident—

The committee on enrollments have examined House bill No. 32, entitled an act to amend the charter of the city of Helena, and for other purposes.

Also, House bill No. 54, to authorize the clerk of the circuit court of Desha county to transcribe certain records.

Also, House bill No. 65, to incorporate the town of Greenwood, in Sebastian county; and have instructed me to report the same correctly enrolled.

J. S. TRIMBLE,
Chairman.

Which was read and received.

Mr. Gaines, from the committee on the judiciary, made the following

REPORT:

Mr. President—

The judiciary committee, to whom was referred Senate bill No. 13, have considered the same, and instructed me to report and recommend the adoption of a substitute for said bill.

GAINES,
Chairman.

No. 53. Which report was received, and said substitute, being Senate bill, to be entitled an act to punish public officers for embezzling money, and for other purposes, was read the first time.

On motion of Mr. Humphreys, the substitute was adopted in lieu of the original bill.

Mr. Floyd offered to amend by inserting after the word "officers," in the bill, the words "administrators, guardians, and all other persons having in their hands trust funds."

Mr. Humphreys moved to lay the amendment on the table.

Mr. Floyd called for the yeas and nays, which was sustained, and the call made with the following result:

Yeas—Messrs. Carrigan, Craighead, Davies, Douglas, Gaines, Hampton, Humphreys, Jones, Redmond, Rosson, Stirman, Watkins and Mr. President—13.

Nays—Messrs. Clark, Floyd, Hammond, Marshall, McCreery, McColloch, Smithson and Trimble—8.

So the amendment was laid on the table.

On motion of Mr. Redmond, the rules were suspended, and the bill read the third time.

Mr. Humphreys called for the yeas and nays on its passage, and the call being sustained, was made with the following result:

Yeas—Messrs. Carrigan, Clark, Craighead, Davies, Douglas, Gaines, Hampton, Humphreys, Jones, Marshall, McCreery, McColloch, Redmond, Rosson, Stirman, Trimble, Watkins and Mr. President—18.

Nays—Messrs. Floyd, Hammond and Smithson—3.

So the (substitute) bill passed.

Mr. Hampton from the committee on internal improvements, made the following

REPORT:

Mr. PRESIDENT—

The standing committee on internal improvements, to to whom was referred a resolution "instructing the committee to inquire into the expediency of making an appropriation from the state treasury for the benefit of the several railroads in this state," have had the same under consideration, and have instructed me to report it as the opinion of the committee that such an appropriation would be inexpedient.

HAMPTON,
Chairman.

Which report was read, and on motion of Mr. Humphreys, adopted.

On motion of Mr. Clark, Senate bill No. 3, to be entitled an act to distribute the new Digest of the Statutes of Arkansas, and the reports of the majority and minority of the committee on the judiciary relative thereto, were taken up and read.

Mr. Gaines moved to adopt the majority report; which motion was lost.

Whereupon, on motion of Mr. Humphreys, the minority report, which recommended the passage of the bill in its original form, was adopted.

On motion of Mr. Clark the amendments just proposed by the committee, except the proviso to the first section of the bill, were adopted.

Said amendments are as follows:

Amend the second section by adding after the word "Union" in the fifth line, the words "and two copies to each of the governments of the Choctaw, Chickasaw and Cherokee Nations of Indians."

Amend the second section by adding the words "and two copies to the supreme court library."

Amend section 6 by inserting at the end of the eighth line the words "the proceeds of sales made by him, and all monies received from the clerks;" and, also, by adding at the end of said section the words "made by them."

Mr. Humphreys offered to amend the bill further by adding the following to the first section, to-wit:

"And said Digest is hereby declared to be a complete and correct digest of all laws of a public character in force up to the commencement of the present session of the General Assembly."

Mr. Watkins moved to lay the amendment on the table, and

Mr. Humphreys called for the yeas and nays theron, which call was sustained and ordered with the following result:

Yeas—Messrs. Craighead, Floyd, Gaines, Hammond, McCreery, Rosson, Smithson, Watkins and Mr. President—9.

Nays—Messrs. Carrigan, Clark, Davies, Douglas, Hampton, Humphreys, Jones, Marshall, McColloch, Redmond, Stirman and Trimble—12.

So the motion did not prevail.

Mr. Humphreys then moved the adoption of the amendment, and Mr. Craighead demanded the yeas and nays, which demand was sustained, and the call made with the following result:

Yeas—Messrs. Carrigan, Clark, Davies, Douglas, Hampton, Humphreys, Jones, Marshall, McColloch, Redmond, Stirman and Trimble—12.

Nays—Messrs. Craighead, Floyd, Gaines, Hammond, McCreery, Rosson, Smithson, Watkins and Mr. President—9.

So the amendment was adopted.

On motion of Mr. Clark the bill was read the third time as amended and passed.

Mr. Trimble from the committee on enrollments, made the following

REPORT:

Mr. President—

The committee on enrollments, did, on the 19th inst., hand to the Governor for his approval, House bill No. 32, entitled an act to amend the charter of the city of Helena.

Also, House bill No. 54, to authorize the clerk of the circuit court of Desha county, to transcribe certain records.

Also, House bill No. 65, to incorporate the town of Greenwood, in Sebastian county; and have instructed me to report the same.

J. S. TRIMBLE,
Chairman.

Which report was read and received.

On motion of Mr. Redmond the Senate adjourned until 10 o'clock Monday morning.

THOS. FLETCHER,
President.

MONDAY, *November* 22, 1858.

The Senate met pursuant to adjournment.

Prayer by the chaplain.

Roll called.

PRESENT—Messrs. Carrigan, Clark, Craighead, Davies, Douglas, Floyd, Gaines, Hammond, Hampton, Humphreys, Jones, Marshall, McCreery, McColloch, Redmond, Rosson, Smithson, Stirman, Trimble, Watkins and Mr. President—21.

The journal of Saturday was read, approved and signed.

Mr. Hampton presented the credentials of Hon. John H. Askew, Senator elect from the district composed of the counties of Union and Columbia, who came forward and received the oath of office, which was administered by the President of the Senate, and took his seat.

Message from the House of Representatives, by the clerk:

Mr. PRESIDENT—

I am instructed to inform your honorable body that the House of Representatives have passed House bill No. 19, entitled an act in relation to continuances."

House bill No. 130, entitled "an act to authorize the county court of Clark county to establish a second election precinct in the city of Arkadelphia."

House bill No. 131, entitled "an act to amend section 8, of an act to incorporate the town of Clinton," approved January 9, 1851.

Said bills are herewith transmitted for the assent of your honorable body, which is respectfully asked.

S. M. SCOTT, *Clerk of*
House of Representatives.

Motions and resolutions were announced in order.

Mr. Redmond offered Senate joint resolution No. 17, to-wit:

WHEREAS, It is the opinion of the General Assembly of the State of Arkansas, that the re-opening of the African slave trade will be a very great benefit to the slaveholding states of the confederacy and will vindicate the great principle of southern rights—therefore,

Be it resolved, That our Senators in Congress be and they are hereby instructed, and our Representatives requested to use their utmost endeavors to re-open the African slave trade.

Read, when Mr. Clark moved to postpone indefinitely: but after a lengthy discussion, Mr. Clark withdrew his motion, and Mr. Rosson moved to refer it to the committee on memorials.

Mr. Floyd called for the yeas and nays on said motion; call sustained and made with the following result:

YEAS—Messrs. Askew, Craighead, Douglas, Gaines, Hampton, Humphreys, McCreery, Rosson, Smithson, Watkins and Mr. President—11.

Nays—Messrs. Carrigan, Clark, Davies, Floyd, Hammond, Jones, Marshall, McColloch, Redmond, Stirman and Trimble—11.

So the motion to refer was lost.

Whereupon, on motion of Mr. Clark, the resolution was postponed until Saturday next.

On motion of Mr. Hammond, the Senate pursuant to previous order, resolved itself into a committee of the whole to consider Senate bill No. 33, to be entitled an act for the promotion of the agricultural and mechanical interests of this state.

Mr. Rosson took the chair.

After some time spent in deliberation, the committee rose, reported progress, and asked leave to set again on to-morrow at 11 o'clock, a. m.

Report adopted and leave granted.

On motion of Mr. Gaines the Senate adjourned until 10 o'clock to-morrow morning.

THOS. FLETCHER,
President.

◆

Tuesday, *November* 23, 1858.

The Senate met pursuant to adjournment.

Prayer by the chaplain.

Roll called.

Present—Messrs. Askew, Carrigan, Clark, Craighead, Davies, Douglas, Floyd, Gaines, Hammond, Hampton, Humphreys, Jones, Marshall, McCreery, McColloch, Redmond, Rosson, Smithson, Stirman, Trimble, Watkins and Mr. President—22.

The journal of yesterday was read, approved and signed.

Motions and resolutions were declared in order.

Mr. McCreery offered the following

RESOLUTION:

Resolved, That the president of the Cairo and Fulton railroad company be, and he is hereby requested to furnish the Senate with a full and complete statement of the amount of labor done on said road, and the amount of money paid for the same, and the amount of money due on such labor, if any, and a full and complete statement of the financial condition and operations of said company at this time.

Which was read, and on motion of Mr. Humphreys, adopted.

Mr. Rosson offered the following

RESOLUTION:

Resolved, That after the 10th day of December next, there shall be no new bill introduced without the unanimous consent of the Senate, unless it be bills reported by committees under instructions of the Senate.

Read, when Mr. Redmond moved to lay the same on the table.

Mr. Rosson called for the yeas and nays on said motion, which call was sustained and ordered.

Yeas—Messrs. Askew, Carrigan, Davies, Floyd, Hammond, Humphreys, Jones, McCreery, Redmond, Smithson, Stirman and Trimble—12.

Nays—Messrs. Clark, Douglas, Gaines, Hampton, Marshall, McColloch, Rosson, Watkins and Mr. President—9.

So the resolution was laid upon the table.

Mr. Watkins asked and obtained indefinite leave of absence for Mr. Pennington, on account of sickness.

Mr. Hammond offered Senate joint resolutions, No. 18, to-wit:

Whereas, The United States, by treaty with Great Britain and France, are compelled to keep a naval force on the African coast to assist in the suppression of the African slave trade.

And whereas, It is known that by disease and pestilence our navy is nearly destroyed year by year, and no good accomplished, and that said naval force is maintained at great cost to our government, and the loss of many valuable lives; therefore

Resolved, That our Senators in Congress be instructed and our Representatives be requested to use their influence to require the abrogation of that part of our treaty with the powers of Europe requiring the United States to keep such naval force on said coast of Africa.

Resolved further, That our Senators be instructed and our Representatives be requested, to use their influence to repeal the law declaring it piracy to engage in the African slave trade.

Which resolutions were read and discussed, when, on motion of Mr. Clark, they were postponed until Saturday next.

Reports from standing committees were announced in order.

Mr. Clark, from the committee on the landed interests of this state, made the following

REPORT:

Mr. President:

The committee on the landed interests of the state, have made examination into such interests, and as the result of their investigations, submit the following:

The records in the office of the auditor are made from lists of locations received from Washington city, and from lists of entries and locations furnished each year by the registers of the different land-offices. The lists so furnished by the registers have been shown to us, and some of them contain manifest errors. The auditor, during the past two years, marked the plats in his office so as to show, on them, those lands which were entered and those which were vacant. In so doing, as he informs us, he found tracts reported as being entered that are not to be found on the plat; others reported as containing different areas from those exhibited on the plats; others sold twice or thrice. Lands known to be entered and for which individuals have patents from the United States, are not reported. These records then are incomplete, and in many respects erroneous. In hundreds of instances, the error, no doubt, was made by reporting the entry in the wrong township, and this mistake is, in all cases, a double one —an error of omission as well as of commission. Where an entry in township one is reported in township two, it is evident that the tract of land in the latter township is marked as entered when, it is in fact, vacant, and the corresponding tract in the first township shown to be vacant when, it is, in reality, entered.

When it is remembered that these records are those from which lists of lands are sent out for taxation, it will be readily seen what grave errors result from a mistake therein. Lands to which the state never had a title, are sold by her or donated to honest, poor men, who go on to improve the same, and when some land-hunter finding it vacant, enters it, they lose their homes and the result of years of honest industry. One important fact must be noticed. There is no evidence in the possession of the state authorities as to what lands entered, located, granted or sold by the United States have been cancelled, the entries or locations set aside or changed from one tract to another. Of late years, many of the locations of land warrants, and with Choctaw scrip, made at local United States land-offices, upon examination at the general land-office, have been found to be deficient in some respect and the location set aside. These locations have all been reported to our state authorities and the land treated as subject to taxation. The entries under the graduation act are all reported likewise, but, it is well known, that a large proportion of these entries are never consumated. But in the absence of all notification of the cancellation or setting aside of these entries, they are put on our tax-books, forfeited and sold by the state, giving rise to lawsuits, loss of labor and bearing oppressively upon the poor men of the country.

It follows then, that these records of entered and located lands are imperfect, incomplete and erroneous. Steps should be taken to procure, from Washington city, a full list of all lands disposed of by the general government and then, from time to time, to procure full information of such entries as have been cancelled, or any manner changed. The records here should correspond with those of the general government. The titles to a thousand homes depend on their correctness;—lawsuits, expenses and losses result from existing errors, and the poor men of the country are placed at the mercy of speculators and land-hunters.

In a short time the archives of the office of the surveyor general will be turned over to this state, and these records, important as they are and intrinsically valuable, will lose half their importance and value unless accompanied by lists. It may be important to know the situation and contents of a tract of land, but far more important to know when and to whom the same was sold. In nine cases out of ten those persons who make inquiries in regard to a tract of land already know its situation and boundaries, and want to know if it is entered or vacant, and the facts concerning its ownership. It has been estimated that there are five millions of acres of land in this state, owned by persons or companies that are not on the tax-books. Admitting that there are four millions only, it shows an annual loss to the state of twenty thousand dollars. Any measure calculated to get all these omitted lands properly on the books, would be advantageous to the interests of the state. There are thousands of acres on the tax-books not liable to taxation, and these should be stricken off. To procure the lists referred to, would cost something, but the state would soon be repaid in the increase of revenue, and in the reliability and correctness of her records. Your committee have no hesitancy in recommending the measure as one of safety, utility and economy.

INTERNAL IMPROVEMENT LANDS.

Of this grant of 500,000 acres, it appears that only 499,889 3-100 acres were selected and confirmed to the state, leaving 110 97-100 acres yet to be selected and confirmed. To these must be added eighty acres of the lands selected and confirmed, on which there was a prior pre-emption claim recognized by the United States, and since patented to the pre-emptor, making, in all, 190 97-100 acres yet due to the state. The greater part of these lands have been sold; those remaining unsold are some poor selections made by the agents of the state and situated, principally, in Dallas county. The total amount of the proceeds of these lands has been about $450,000, exclusive of the amounts due on unpaid notes, of which $425,000 has been distributed among the several counties, besides a small balance on hand.

SEMINARY LANDS.

The seventy-two sections granted to the state for seminary purposes amounted to 46,080 acres. It appears that, about the time the selection of these lands was made, certain persons residing on lands that they wished to secure, or desiring to obtain certain valuable tracts, agreed to purchase the right of the state to select or locate a portion of these lands. On the 17th day of February, 1840, the governor of Arkansas offered for sale this right, at which time

Robert Carrington	purchased	320	acres	at $6.12½	$1,960.00.
James Trigg	"	1120	"	"	8,860.00.
Richard Pryor	"	320	"	"	1,960.00.
R. Hamilton	"	640	"	"	3,920.00.
John Paup	"	640	"	"	3,920.00.
John W. Paup	"	520	"	"	3,185.00.
Total					$21,850.00.

For which amounts said purchasers executed their notes with security, but said notes do not appear to have been paid. Some are in suit and the parties have appealed to the Supreme Court of the United States. Considering that nearly nineteen years have elapsed since the sale, it is time these matters were closed and a determination made as to whether the state shall eventually lose this money, or obtain it, or the land. Of this grant of 46,080 acres only 39,856 69-100 acres were selected and confirmed, leaving 2,663 31-100 acres to be selected. It is apparent that this selection should be made as soon as possible, before the general government disposes of all of the best lands in the state. Of the lands selected and confirmed to the state, all have been sold. Some few tracts may, hereafter, be forfeited to the State, and required to be resold.

SALINE LANDS.

The whole number of lands selected and confirmed to the state was 41,879 51-100, of which 14,791 acres have been sold, leaving 37,088 acres thereof yet to be sold. To these are to be added 320 acres yet to be selected in lieu of selections made, which were covered by pre-emption claims, and afterwards patented to the parties by the general government.

BANK LANDS.

These lands were received by the state on account of debts due by individuals to the banks, and were taken at various prices; some at fifty or one hundred dollars an acre. The state land agents have since sold some of these lands at one dollar and twenty-five cents an acre. Some of these lands are very valuable, and there should be an act passed providing that the persons having control of them should not sell them at depreciated prices. There is some doubt as to the legality of the sale made by the agents, and no existing authority for the governor to make deeds for the lands and lots so sold. Your committee have prepared and submitted herewith a bill, to be entitled "An act concerning the selling and conveying of certain lands."

SWAMP AND OVERFLOWED LAND.

Up to this date, there has been confirmed to the state six millions, one hundred and forty-seven thousand, three hundred and eighty-two acres. Part of these has been previously sold by the U. S., or erroneously confirmed to the state, amonting to twelve thousand, three hundred and twenty-two acres, to which add three millions, seven hundred and seventy-four thousand, three hundred and six acres, thereof disposed of by the state; leaves two millions, three hundred and seventy-three thousand, and seventy-six acres, yet to be disposed of. In addition to the sales of 3,774,306 acres as stated above, the following startling facts are ascertained, to-wit: The commissioners sold erroneously 311,975 acres, and the agents erroneously sold 132,485 acres. This does not include those errors where lands were erroneously reported, and others of such character that, under existing laws they could be remedied. A great mistake was committed in commenciug the sale of the lands in 1851. Had these lands been held up until they were patented to the state, they would have yielded at least ten millions of dollars more. The committee have no desire to find fault with the action of those who have gone before, but it may be necessary to refer to such former action, in accounting for the many existing errors. The commissioners were not furnished with plats or lists of these lands confirmed to the state, and consequently sold without knowing the true areas or condition of the lands. The agents, though with plats and lists before them, sold lands that were not confirmed to the state, and sold the same lands twice. In fact every conceivable form of error exists in the sales of these lands, some of them so intricate and conflicting that courts of chancery will have to decide between interested parties.

The present auditor caused to be recorded, in well bound books, in township and range order, all sales of swamp and overflowed lands reported to his office, and to have the plats marked with the number of the entry. By so doing several thousand errors were discovered, of lands sold twice or that were not confirmed to the state at the time of the sale. Until this was done, it was almost impossible to tell what tracts has been twice sold; and deeds were made, in several instances, to different parties to the same tract of land. The law provides for the correction of several kinds of errors, but there are a number of others for which no remedy is yet provided. Several thousands of errors have been corrected and the entries so perfected that deeds can be made upon the certificates when the lands shall have been patented to the state. The plan adopted by the auditor is a comprehensive and thorough one. By it, when any error is suspected, or when there is any discrepancy noted, the proper land agent is required to send up a copy of the original application of the party, and a statement of facts connected with the report, and the particulars of the errors are noted in full. In addition to this, the records of the office of the swamp land secretary have been carefully compared with the reports of sales and from the chaos that existed, order and system has been evolved. The auditor has shown us a record commenced by him, in which are to be noted all errors, in full. This record is entitled:

"Record book of notes of errors, conflicts and discrepancies obtained in the several reports of the sales of swamp and overflowed lands, by the land agents, *ab initio*."

The following preface from the said record, aptly expresses its uses and the necessity which gave rise to it.

"It may be proper to state here that the reports of the sales of the swamp lands by the commissioners as well as by the agents, were not entered in book form, in township and range order, until the present year, (1857) when a complete set of books were procured and the work commenced.

"As a township was recorded, the corresponding plat was marked, by which means the errors, especially those of conflicting sales, in areas and in description, were detected.

"Although, in the books procured for the purpose of recording the sales of the swamp lands, by the agents, a space was left on each page, under the heading of "Remarks," it was found that some of these errors required a long explanation; that, sometimes, several kinds of errors existed in one entry, and that it required, sometimes, a full page to recite the defects, and make the explanations relative to an entry, so that a book of explanatory notes become necessary.

"The sales by the agents commenced in 1853, and were not compared until 1857, so that many errors that could have been easily corrected at the time, have been perpetuated and rendered difficult, by heaping successive errors on them.

"An active correspondence kept up with the different land agents has enabled the auditor to reconcile many contradictions, correct many errors and to explain discrepancies contained in the reports of sales.

"Copies of these notes will be sent to the agents, who, perhaps, will be able, from examination of their records and files, to furnish satifactory explanations in many cases."

The general notes to this record are very valuable, and serve to explain many things connected with the swamp land interest, that are now not generally understood. The committee copy here, general notes A and B, as they treat of matters that have, or may, come before the present General Assembly, in the shape of relief bills or others.

General note A reads thus:

" Upon the passage of the act of the General Assembly creating the offices of land agents and the election of these officers, some of them proceeded to sell lands before they had received the lists and plats required to be furnished to them. It being decided that the agents had no authority to sell until after the reception of their lists and plats, certain of them, viz: Carroll, Hempstead and Silvey, returned their list of sales with the scrip received by them in payment for the lands so sold, to the board of swamp land commissioners who adopted such of their entries as did not appear to conflict with the regular sales by the board, caused them to be reported by the secretary to the auditor, and accounted for them as sales by sub-commissioners.

" It appears that Mr. Jackson, the agent for the Helena district did not report the entries made before him to the commissioners, nor were the sales made by him before he had received his lists and plats, in any way acted upon by the board. Not having a list of the lands then confirmed to the state as swamp and overflowed lands, or proper plats, he sold large bodies of unconfirmed lands.

" It is stated that, after he recived the books and plats, and was authorized by law to sell lands, Mr. Jackson redeemed the certificates of purchase he had previously granted by issuing others of a later date, but for the same lands. If such was the case, it will in a great measure, explain why some of the entries reported by him are of unconfimed lands, or partly confirmed and other tracts unconfirmed."

In this connection your committee are satified that all sales of unconfirmed lands, by the agents, are void, and should be so considered. The law expressly states that the agents, in the sales of swamp and overflowed lands should take the books and plats furnished to them as their guide. Some of these lands, so erroneously sold, have since been confirmed to the state. The holders of these certificates attended the public sales and attempted to prevent purchasers from buying them at public sale, by asserting that they had certificates for the lands, and that a purchaser of these lands " would buy a law-suit." Where the money, paid by these men, or the scrip, as the case may be, has been paid into the treasury it should be refunded upon a surrender of the certificates erroneously issued to them, and, for this purpose, as well as for the correction of errors of divers kinds, your committee have prepared, and herewith submit, a bill to be entitled " an act to provide for the correction of errors in the sale of state lands, and for other purposes."

Thousands of acres of swamp lands were sold by the swamp land commissioners, of which no report was made to the auditor's office, and the purchase money therefor not accounted to the state. In many cases, the only evidences of such sales are the certificates of purchase issued by the board or their secretary, and now in the hands of the purchaser or their assigns. This fact, taken in connection with two others, present questions very difficult to determine. In the first place, the secretary of the board of swamp land commissioners repeatedly stated, to the state authorities among others, that there were certificates of purchase in the hands of parties for lands which they had not paid for, and which the board had refused to report. He accounted for it in this way: Levee contractors were in the habit of entering lands, or giving orders to others for lands which were charged to their accounts. Upon settlement with some of these, it was found that they had overdrawn their accounts, and such of their entries as were not paid for were rejected, or where the orders were given on account of contractors who had no balances in their favor, the entry was canceled, but in all these cases, the parties retained their certificates. Mr. Butts, former secretary of the board, promised to come to the capitol, examine the reports, and to furnish a list of those persons who held unpaid certificates, but, before he was able to come here, was taken sick and died. There are other evidences going to show that some of these certificates were improperly issued. But, there may be, and doubtless are, *bona fide* entries that the commissioners neglected or refused to report. These lands, being considered as vacant, such of them as were or have since been confirmed, have been since entered by other persons, who have gone on to improve the same. The difficulties here are, that if we confirm the sales made by the commissioners, which the failed or refused to report, we may admit claims for which the state never received payment. Besides this, we interfere with subsequent sales, and transfer the improvements and results of the labors of subsequent purchasers from the state to the parties claimant under the certificates said to have been issued by the commissioners. As efforts will be made to have these certificates, or some of them, recognized, it seems to your committee that a clause should be inserted in the bill or bills, to the effect that all improvements made by a subsequent innocent purchaser from the state should be valued and paid for.

General note B of said record is as follows:

"Upon the passage of the act of the General Assembly creating the offices of land agents and the election of those officers, some of them proceeded to sell lands before they had received the books and plats required by law to be furnished to them.

"It having been decided that the sales by the agents before the reception of their books and plats, which the law declared should be their guide in selling, were illegal,—in order to validate the sales so made, the board of swamp land commissioners, on the 6th day of October, 1853, adopted an ordinance, by which they agreed to adopt the sales of the agents, so far as they would not conflict with other sales, upon the agent paying the money or scrip received therefor into the hands of the auditor or treasurer.

"Bernard F. Hempstead, state land agent, at Washington, Arkansas, commenced selling lands, and continued to sell until October, in the year 1853, amounting to 18,219 9-100 acres, for $12,021 92-100. Mr. Hempstead, upon being notified that the sales made by him were void, and of the terms upon which the board would adopt his sales, made out a list of his sales and forwarded it to the board, and deposited the money and scrip received therefor with John H. Crease, assistant secretary of the board, to the credit of the board. It will be observed that Mr. Hempstead paid over all the money and scrip, which was full payment for all the entries, but that the same was not paid into the state treasury as in payment for said entries, but was deposited for the benefit of the swamp land commissioners and subject to their order.

"The board, upon examination of the entries made before Mr. Hempstead, adopted a part and rejected a part. Instead of returning that portion of the scrip and money, which had been paid on the rejected entries, to Mr. Hempstead, to be, by him, refunded to those individuals whose entries were rejected, they appropriated the whole amount deposited by Mr. Hempstead.

"The entries by Mr. Hempstead which were adopted by the board were incorporated in their report, and the money and scrip, sufficient to pay therefor, was paid into the treasury; but the money or scrip, for the rejected entries, was not paid in. Or, if the identical scrip and money deposited by Mr. Hempstead, reached the treasury, it was partly in payment of the adopted entries before Mr. Hempstead, and partly in payment of other lands sold by the board of swamp land commissioners.

"The land agent at Washington, having issued refunding certificates upon the rejected entries, the auditor refused to allow the same against the state, because, he said, that the state had never received the money therefor, and that the proper party to refund was that which had received and retained the money or scrip given in payment of such rejected entries."

The committee have copied this note in full, in justice to Mr. Hempstead, to show that he was not a defaulter, but paid over the money or scrip. It appears from this, that Mr. Butts, the secretary of the board, who was acting as treasurer thereof, made this money, and the parties in interest might proceed against the estate of Butts, who since deceased, for the money taken and retained by him. The parties, whose entries were rejected, will seek relief from the state, and it is for the General Assembly to grant it or not, upon these facts being known.

The act of January 20th, 1855, provides that the holder of any certificate from the commissioners may present the same to the land agent of the proper district, and receive a patent certificate for such tracts as may be confirmed to the state, and a refunding certificate for that unconfirmed or erroneously sold.

The act of 15th January, 1857, provides for the re-entry of lands by the holders of such certificates, *provided the holder be a citizen of the state.* It was supposed by some that the latter act was a virtual repeal of the former, and that the party would be required to again pay for the land and have the money or scrip for the first entry refunded. The solicitor-general, being required by the auditor, gave it as his opinion that the party required to re-enter might do so without making any further payment, and that the agent should treat his certificate as so much cash. This being the case, the second law was a re-enactment of the former, with a provision of citizenship. But this latter clause is easily avoided, for the non-resident evades it by assigning his certificate to a resident, who re-enters and then assigns his new certificate back to the non-resident holder. Besides, both of these acts are deficient in one respect. The solicitor-general is of the opinion that if a person surrenders the original certificate, he loses all claim to the land. At the same time, unless he re-enters land newly confirmed within sixty days from publication of sale, he loses his right to re-enter. Now, if the party has a certificate for a whole section, and half of it should be confirmed at one time, he must take a refunding certificate for the half that is not confirmed at the time that he re-enters or takes a patent certificate for the half that is confirmed, and should it all be confirmed thereafter, he has been forced to abandon his right to one half. To remedy this, the committee have drafted, and herewith present, a bill, to be entitle "an act to enable the land agents to issue certificates in certain cases, and for other purposes."

A great advantage is obtained by the plan now pursued by the auditor of recording the reports of sales immediately upon their reception, comparing the entries with former ones, and the agents notified of any errors, so that they can be corrected at once. Two years ago, the committee on the landed interests of the state, of which some of the members of the present committee were then a part, were led to believe that the entries of swamp and overflowed lands were so confused, conflicting and incorrect that they never could be understood, or got into a shape that deeds could be made, but the admirable system adopted has cleared thousands of errors, real or apparent, and placed others in such a situation as to admit of correction upon the passage of the bills herewith presented.

Your committee having other matters before them, may think it necessary to report further, and ask leave to sit again.

Respectfully submitted,

GREEN J. CLARK, *Chairman*
on part of the Senate.
W. Y. McCAMMON, *Chairman*
on part of the House.

Said report was accompanied by the following bills, to-wit:

No. 54. *A bill, to be entitled an act to provide for the correction of errors in the sale of state lands, and for other purposes.*

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas,* That the auditor, or officer at the head of the land department of this state, shall have power to instruct the land agents of the different districts, created by the provisions of the act of December 30, 1856, how to correct errors that exist, or may exist, growing out of the erroneous sale of lands belonging, or formerly belonging to the state.

SEC. 2. That in all cases where lands have been erroneously confirmed to the state and sold by her; twice sold by commissioners or agents, sold by them when the same were unconfirmed; misdescribed in whole or in part; when the sales thereof are in any way irregular, informal or incomplete, the said auditor shall instruct the proper land agent what certificates to issue, or steps to take to perfect the entry, or to enable the purchaser, their heirs or assigns, to have refunded to them, any scrip or money which they may have paid on any entry that is void or voidable.

SEC. 3. That in all such cases where, by any reason, the State of Arkansas shall be unable to make title to any purchaser of state lands, it shall be lawful for the agent, under instructions from the auditor, to issue a refunding certificate for the amount received from such purchaser, which shall have been paid into the state treasury; and the auditor, upon examination thereof, if he shall find that the certificate is properly issued, and the scrip or money has been paid into the state treasury, shall draw his warrant upon the treasurer therefor.

SEC. 4. It shall be the duty of the auditor to complete, as soon as practicable, the record commenced by him, of errors existing in the sales of swamp and overflowed lands, and to add theroto, notes of such errors as may hereafter come to his knowledge, and certified extracts from such records shall be received as evidence in any of the courts of this state. The auditor shall cause copies of such record, relating to lands situate in the different districts, to be sent to the land agents thereof, with instructions to the note of each error, what certificates to issue, if it shall be necessary to issue any, and what entries to make on the records and plats of his office.

SEC. 5. Such action on the parts of the auditor and agents shall be legal and binding until overruled or set aside by the decision of a court having competent jurisdiction.

SEC. 6. When it shall be necessary, in the opinion of the auditor, for the correction of errors, reconciliation of conflicts, or the discovery of fraud, or mal-practice by the agents, to have the records and plats of any state land office examined, said auditor may depute a person, or send one of the clerks of his office to pursue such investigations, and said person shall have free access to all such records and plats; *Provided*, That said clerk or person shall only be paid the necessary traveling expenses above his regular salary, out of the fund created by the sale of the lands he may investigate.

SEC. 7. All conflicting laws are hereby repealed, and this act shall take effect from its passage.

No. 55. *A bill, to be entitled an act to enable the land agents to issue certificates in certain cases, and for other purposes.*

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas*, That the holder of any certificate of purchase of swamp and overflowed lands from the swamp land commissioners, or any person acting under their authority, who shall apply to the land agent for a patent certificate thereon, shall not be compelled to take a refunding certificate for the amount paid for any tracts in the original certificate, which shall appear to be not yet confirmed to the state, but instead of a refunding certificate, may demand and shall receive from the land agent a holding certificate, in substantially the following form, to-wit:

"THE STATE OF ARKANSAS.

No. ——.

LAND AGENT'S OFFICE, AT ———,
—— ——, 185—.

I, —— ——, land agent for the ——— district, do hereby certify that —— —— has this day presented and filed in this office certificate No. ——, issued by —— ——, swamp land commissioners, to —— —— dated the —— day of ———, 18–, for the ——————, in township —— of the base line, in range —— of the fifth principal meridian, containing —— acres, which certificate I have redeemed by issuing a patent certificate No. ——, of even date herewith, for the —————, in said township and range, and by granting this certificate, showing the said —— —— is entitled to re-enter the remainder of said land, to-wit: The ————————, in said township and range, which, it appears, is not yet confirmed to the state, and should it not be hereafter confirmed, to entitle him to a refunding certificate for —— dollars and —— cents, the amount of money or scrip paid to said commissioners for said land, as appears of record.

(Signed.) —— ——, *Land Agent.*

Sec. 2. The holder of such certificate shall be entitled to reenter therewith, or receive a patent or refunding certificate thereon in all respects as if the same was an original certificate from the swamp land commissioners or those acting under them.

Sec. 3. This act shall be in force from its passage.

No. 56. *A bill, to be entitled an act concerning the selling and conveying of certain lands.*

Section 1. *Be it enacted by the General Assembly of the State of Arkansas,* That the governor of this state shall cause inquiries to be made as to whether the sales, made by agents of the state, of lands or town lots purchased or taken by the state, on account of debts due the Bank of the State of Arkansas, or vesting in the state by, or through any transactions of persons with said bank, were legal and binding on the state, and if satisfied that they were, and that the purchase money therefor has been fully paid, which fact shall be certified by the auditor, may make deed and conveyance of the title of the state thereto, to such legal purchasers,

Sec. 2. The auditor, or person having control of the landed interests of this state, shall inquire into the probable value of such of said lands and town lots as are yet unsold, and shall assess the same at a fair value, and instruct the several land agents to sell the same at not less than the value so assessed.

Sec. 3. All conflicting laws are hereby repealed, and this act shall take effect from its passage.

On motion of Mr. Clark, the report and bills were laid on the table for the present, and two hundred copies of each ordered to be printed.

Mr. Hammond, from the committee on swamp and overflowed lands, made the following

REPORT:

Mr. President—

The committee on swamp and overflowed lands to whom was referred Senate bill No. 47, have had the same under consideration, and have unanimously instructed me to report it back and recommend its rejection.

HAMMOND,
Chairman.

Read, and Mr. Rosson moved its adoptiou.

Mr. Clark moved to re-commit the bill to a select committee of senators representing the counties in the Clarksville and Fayetteville land districts.

Pending the motions to adopt and re-commit,

The following message was received from the House of Representatives by the clerk:

Mr. President—

I am instructed to inform your honorable body that the House of Representatives have adopted the following resolution:

Resolved, That a committee of five be elected on the part of the House, to act with a similar committee on the part of the Senate, to attend the celebration at Madison, in St. Francis county, on the 30th inst.

Which is herewith transmitted for the concurrence of your honorable body, which is respectfully asked.

Said committee on the part of the House, consists of Messrs. Griffin, Dunn, Baxter, Hays, Hemmingway, Lyles and Robertson.

S. M. SCOTT, *Clerk of*
House of Representatives.

Neither of the motions pending were insisted on, and the Senate, on motion of Mr. Gaines, pursuant to order, resolved itself into a committee of the whole, to consider of Senate bill No. 33, to be entitled an act for the promotion of the agricultural and mechanical interests of this state.

Mr. Rosson in the chair.

After deliberating some time, the committee arose, and through their chairman, reported the following amendments to said bill, viz:

Amend section 2, by adding the following proviso:

" *Provided,* That this act shall not be so construed as to give said agricultural and mechanical society any banking privileges whatever."

Amend section 5 by adding:

" And any person violating the provisions of this section shall, upon conviction, be adjudged guilty of embezzlement, and be imprisoned in the penitentiary of this state not less than one nor more than five years."

On motion of Mr. Floyd the amendments were adopted; and on motion of Mr. McCreery, the bill was read the third time as amended and passed.

Mr. Clark from the joint select committee, appointed to respond to the communication of the citizens of St. Francis county, inviting the General Assembly to attend and partake of a barbacue to be given at Madison on the 30th of December, 1858, in commemoration of the completion of the first division of the Memphis and Little Rock Railroad, reported that the committee had made the following response to said communication, to-wit:

SENATE CHAMBER,
Little Rock, Arks.,
Nov. 24th, 1858.

GENTLEMEN—The undersigned, joint select committee in behalf of the Senate and House of Representatives, have the honor to acknowledge the receipt of your letter of the 12th instant, addressed to the "President of the Senate and Speaker of the House of Representatives," extending to both branches of the General Assembly, now in session, an invitation to be present to participate in, and to partake of the hospitalities of your fellow-citizens, at a barbacue, to be given at Madison, on the 30th instant, in honor of the completion of the first division of the Memphis and Little Rock railroad.

The committee lack words to express the lively thrill of joy, which this cheering, though unexpected intelligence, has given to the heart of each member of the General Assembly. It has aroused their slumbering desires—excited in their bosoms new hopes—and inspired them with confidence in the ultimate and speedy completion of the work to this point, which will, at once, not only bring the heart of our great and growing state into immediate contact with the great "world beyond," but it will give facilities to trade—extend our commerce—develop our hidden resources—increase every industrial pursuit—drain our rich alluvial lands—disembowel our mountains of their inexhaustible stores of wealth and hidden treasure, and raise her to that position which nature's God designed she should occupy—the FIRST among her sister states. Adopting the expressive and patriotic language of your committee, we hail it as indeed "the inauguration of a new era in Arkansas," pregnant with a bright and glorious future, which will, happily, overcome the many obstacles to her rising greatness—that will place her before the astonished gaze of an admiring world—not as disowned, degraded, forsaken and reproached Arkansas—but *as she is*—a SLUMBERING GIANT—possessed of every element requisite to give her rank as one of the greatest of all the states—an era in which improvements in railroads and telegraphs, commerce and intelligence, education and morals, wealth and enterprise, will march *right* ONWARD, until our entire state shall become checkered all over with railroad bands of iron, uniting the east with the west, the north with the south, and all to the centre, and the centre to the great union of confederated states.

We are admonished by a sense of duty to forego our own impulses to be with you upon that festive occasion, believing that we can do more in our deliberations to forward the great enterprise, than by surrounding the festive board; yet, be assured, gentlemen, that we, and each of us, send you greeting, our warmest wishes, and the highest assurance that, upon all proper occasions, whether in the legislative halls, or in the capacity of private citizens, we will be found ever ready to *work* and to co-operate for the ultimate completion of the Memphis and Little Rock railroad, believing, with you, that it is to "be the first great link in the chain that is to connect the Atlantic with the Pacific"—west of the Mississippi.

Permit us, again, gentlemen, on behalf of the members of the General Assembly, to express to you, and through you, to the noble and patriotic citizens of St. Francis, whom you represent, our deep regret at the circumstances which compel us to decline the acceptance of their hospitality, so kindly extended, and the lively interest we feel in behalf of the enterprise whose progress, thus far, has given rise to that festivity.

With sentiments of deep solicitude and profound respect, we have the honor to be, gentlemen, very respectfully,

GREEN J. CLARK,
WM. A. JONES,
D. McCREERY,
W. W. WATKINS,
F. P. REDMOND,
Senate Committee.

P. DUNN,
BENJ. T. DUVAL,
J. P. JOHNSON,
D. GRIFFIN,
L. R. VENABLE,
House Committee.

To Messrs. C COLDWELL, JNO. W. MALLORY and DOCT. FINDLEY, *committee of invitation.*

Said response was read, and on motion of Mr. Floyd, two hundred copies of the same were ordered to be printed for the use of the Senate.

On motion of Mr. Floyd the joint resolution of the House for a joint select committee to attend the barbacue to be given at Madison on the 30th inst., in behalf of the General Assembly, was taken up and read.

Mr. Hammond moved to amend by saying:

"That the General Assembly adjourn for ten days, so that the members may attend the railroad jubilee at Madison.

Mr. Humphreys moved to lay the amendment on the table, and called for the yeas and nays, which was sustained, and ordered with the following result:

Yeas—Messrs. Askew, Carrigan, Clark, Craighead, Davies, Douglas, Floyd, Gaines, Hampton, Humphreys, Marshall, McColloch, Rosson, Trimble, Watkins and Mr. President—16.

Nays—Messrs. Hammond, Jones, McCreery, Redmond, Smithson and Stirman—6.

So the amendment was tabled.

Whereupon, Mr. Floyd moved that the resolution be concurred in, and the yeas and nays being demanded, were called with the following result:

Yeas—Messrs. Clark, Douglas, Floyd, Hammond, Hampton, Jones, McColloch, Redmond, Smithson, Trimble and Mr. President—11.

Nays—Messrs. Askew, Carrigan, Craighead, Davies, Gaines, Humphreys, Marshall, McCreery, Rosson, Stirman and Watkins—11.

So the resolution was not concurred in.

Mr. Floyd moved that the Senate take a recess till 2½ o'clock p. m.

Mr. Humphreys moved to adjourn till 10 o'clock to-morrow morning, which motion taking precedence, Mr. Floyd demanded the yeas and nays on its adoption.

Sustained, and the roll called:

Yeas—Messrs. Askew, Carrigan, Clark, Craighead, Davies, Gaines, Humphreys, Jones, Marshall, McColloch, Rosson, Smithson, Stirman, Trimble and Watkins—15.

Nays—Messrs. Douglas, Floyd, Hammond, Hampton, McCreery, Redmond and Mr. President—7.

So the Senate adjourned until 10 o'clock, to-morrow morning.

THOS. FLETCHER,
President.

Wednesday, *November* 24, 1858.

The Senate met pursuant to adjournment.

Prayer by the chaplain.

Roll called.

Present—Messrs. Askew, Carrigan, Clark, Craighead, Davies, Douglas, Floyd, Gaines, Hammond, Hampton, Humphreys, Marshall, McCreery, McColloch, Pennington, Redmond, Rosson, Smithson, Stirman, Trimble, Watkins and Mr. President—22.

The journal of yesterday was read, approved and signed.

Mr. President laid before the Senate the following communication and statement from the secretary of the Cairo and Fulton railroad company, made in response to a resolution of the Senate, viz:

OFFICE OF THE C. AND F. R. R. Co.,
Little Rock, Arks., Nov. 23, 1858.

To the Hon. THOMAS FLETCHER,
President of the Senate:

SIR—In the absence of the president of the Cairo and Fulton railroad company, (detained at home by sickness,) I have the honor to respond to a resolution, this day adopted by your honorable body, requesting the president of said company, "to furnish the Senate with a statement of the amount of labor done on said railroad, the amount of money paid for the same, and the amount still due, if any," etc.

In obedience to said resolution, I herewith present a statement of work done, the amount of money paid for the same, and the balance still due thereon; also, the report of the last annual meeting of the board of directors, showing the financial condition of the company at that time. Since then, the pecuniary transactions of the company have not been material, except as given in the statement herewith presented.

It would be impossible for me (having been but a short time in this office,) in the absence of reports from agents, and the necessary vouchers, to give a more complete statement of the financial condition of the company, than I have done, in the short time required to meet the wishes of your honorable body.

A. KING, *Secretary*
C. and F. R. R. Co.

AMOUNT—*Of work done on First Division of the Cairo and Fulton Railroad.*

Number of section.	*Cubic yards of grading.*	*Number of miles of grubbing and clearing.*
1	4,580	1
2	3,127	3-4
3	4,131	3-4
4	2,651	95-100
5	2,340	4-5
6	2,296	1
7	621	4-5
8	....	1-2
9	470	2-3
10	....	1-3
11	....	1-2
12	....	1-2
15	....	3-4
16	....	1-5
	20,216	9 58-100

GENERAL STATEMENT—*Of value of work done and payments made on account thereof, on First Division Cairo and Fulton Railroad.*

DATE.	*Total value of work done.*	*15 per cent. retained as security.*	*Am't payable.*	*One half cash.*	*One half bonds.*
June 1, 1858...	2,422 75	363 41	2,059 34	1,029 67	1,029 67
July 1, 1858 ...	1,001 00	150 15	850 85	425 43	425 43
August 1, 1858.	1,441 00	216 15	1,224 85	612 42	612 42
Sept'r 1, 1858..	1,619 75	242 97	1,376 78	688 39	688 39
Sept'r 26, 1858.	1,475 93	221 33	1,254 40	627 30	627 30
	$7,960 43	1,194 01	6,766 42	3,383 21	3,383 21

CAIRO AND FULTON RAILROAD COMPANY,
To J. S. Shuman, *Dr.*

Sept. 26, 1858.	To amount payable for work done on Cairo and Fulton Railroad, to date..........................	$6,766 42

CREDITS.

June, 1858.	By cash paid per estimate,	$1,800 00	
July, "	" " " " "	412 95	
August "	" " " " "	1,000 00	
" "	" " " " "	400 00	
Work done on railroad and received per agreement on settlement with I. M. Moore as cash..........................		1,600 00	
Three $500 bonds appropriated as cash,		1,350 00	
Amount of credits......			$6,562 95
			203 47
Balance due Shuman and payable in bonds bearing interest at 10 per cent., say 90 per cent..........................			$226 08

REPORT OF THE PRESIDENT AND DIRECTORS TO THE STOCKHOLDERS OF THE CAIRO AND FULTON RAILROAD COMPANY.

CAIRO AND FULTON R. R. OFFICE,
Little Rock, Ark., May 3d, 1858.

GENTDEMEN: In presenting a statement of the business operations of the company during the preceding year, much of detail must come before you through the proceedings of the board, and the correspondence and official acts of its officers and agents, all of which are submitted for your inspection. It will be seen that the land interest, in its various and complicated connections, has engaged not only much of the time and attention of the board, but, in its management, been attended with heavy expenditures. The idea seems to have prevailed, in many cases, notwithstanding the specific purpose for which the lands were granted, that they might be settled upon and appropriated to individual use, regardless of the general interests of the state, or of the important public improvement contemplated by Congress. To resist encroachments of this kind, and thereby preserve the means relied upon to accomplish the road, were objects requiring the utmost vigilance, and such as to justify fully, in our estimation, the expenses incurred. The force of this duty is the more strongly impressed when we consider the beneficial influence the road is calculated to exercise upon the prospects of interior Arkansas; the great and growing interest of her laboring or producing classes—the present expensive and precarious means of access to market, and the just claims of Congress to fidelity in the proper application of the lands. The board has felt itself bound to disregard individual interest in the absence of right, whether founded in speculation or otherwise. In the case however of a bona fide settler, the policy has been uniformly, and will continue to be acted upon, of making no contest where the title of the company is doubtful. The identity of interest between the settler and the road is such as not only to render this policy obvious, but to insure its observance.

Notwithstanding the expensive and persevering efforts of the company to procure an adjustment and confirmation of title, as provided for by the act of Congress of the 9th February, 1853, this important object was not accomplised, even to a partial extent, until the 13th of July last, when one million, sixty-nine thousand and two hundred and twenty-nine acres (1,069,229), were duly confirmed and certified to the company. Lists of these lands, as transmitted by the commissioner of the general land office, together with township plats, are herewith submitted. There remains still a deficiency in the quantity granted to the road, under the act of 9th February, of eighty-six thousand, six hundred and eleven (86,611) acres. This large amount is in contest between the road and swamp land grants, and we have every reason to believe will be awarded to the company before the close of the present yea; thus making the entire amount applicable to the road, as stated in a former report. 1,155,840 acres. The management of the land interest, upon which the success of the enterprise so essentially depends, has been confided, temporarily, to Capt. Jas. S. Williams, whose strict integrity, general intelligence and business qualifications, insure good faith and a proper regard to the rights of all concerned. As chief engineer of the road from its commencement, he had become familiar with the character, value, etc., of the lands, and still holding the position of chief engineer, his appointment involved no additional expense. Under the act of the General Assembly of the state, of the 26th of November, 1856, " every person who, on the 9th of February, 1853, occupied, by residence and cultivation thereon, any tract of land comprised in the grant made by virtue of and under the provisions of such act of Congress of February 9th, 1853," is allowed the right of purchasing from the company at $2 50 per acre " the legal subdivision of such land as shall include his residence and actual improvements, not to exceed one quarter section," on the condition, however, as expressed in the act that "such claimant shall, within three months after said lands are selected and confirmed to said company, and a list or plat thereof filed in the recorder's office in the county in which such lands may lie, file with the auditor of state, his own affidavit, accompanied by the affidavits of two disinterested freeholders of his county, describing the land claimed by legal subdivisions, proving the fact of such occupancy, residence and cultivation upon such legal sub-division, with a view to actual cultivation and settlement, before the day above specified. Said company may, by giving reasonable notice to such claimant, appear before the auditor and controvert the facts set forth in such affidavits, and the auditor may swear witnesses, hear proof, and, for cause shown, set aside any such claim." Some eighty or ninety persons have filed their own and the affidavits of others with the auditor, and claim legal sub-divisions, ranging from 40 to 160 acres, according as the same may be necessary to include their respective residences and improvements. In these cases, where the facts set forth in the affidavits are such as to bring the claimant within the spirit of the act, no objection has been or will be interposed, but, on the contrary, technicalities, as to form will be disregarded. It may be proper to state, however, that in cases arising under the provision of the law in question, and all others where the title is clear under the grant of Congress, the board of directors esteem it due to the character of the state and her citizens, as well as to Congress, to protect the lands, as far as they can, against unauthorized aggression. The company, it is believed, will be in a condition to make title at no distant day, and when prepared, will give timely notice so as to enable claimants to avail themselves fully of their rights.

The 6th section of the act of 26th Nov., 1856, requires that, "said Cairo and Fulton railroad company shall, within two years from the passage of this act, either grade twenty-five miles, or complete ten miles of said road, at the option of the company." This requirement, under a favorable state of the money market, could have been easily met, but the unexpected delay in the adjustment and confirmation of title to the lands transferred to the company, and the stringency that soon followed in the financial and commercial affairs of the country, together with the consequent depression of railroad and all other securities, have greatly increased both the cost and difficulty of a compliance. Nevertheless the board determined to fulfill its engagements to the state, and after causing a portion of the road to be located north of White river, appointed a superintendent and commenced the grade at a point near Jacksonport, on the 9th of February last. The stockholders were necessarily relied upon to furnish the means of prosecuting the work, and we are happy to state that they have generally evinced both confidence and patriotism in meeting promptly the calls made upon them. Preparatory steps have been taken to negotiate a loan corresponding in amount with the estimated cost of the grade of 25 miles of road. The security contemplated, is of a character so unquestionable, that we can perceive no reasons to doubt the success of the effort. For more detailed information on this subject, you are referred to the proceedings of the board as shown from its records. On the 27th February, not quite three weeks after the work had been commenced as above stated, a contract was entered into with J. S. Shuman, esq., an experienced railroad contractor of established character for energy and perseverance, to grade 25 miles, and on the 10th of March, as stipulated, he entered upon its performance. By its terms he is bound to complete the grade of 25 miles of the road, on or before the 15th day of October, and as we are assured that he has some sixty or seventy hands employed on the work, and will increase the force to such extent as the means of the company will justify, we have no hesitancy, in expressing the opinion that it will be completed within the time agreed upon. At present it is deemed inexpedient to put any additional portion under contract, as it might result in sacrifices that would necessarily affect its prospects. Before the close of the year, however, we hope to be justified in entering into contracts for the entire division between White river and the northern boundary of the state. The effect of the late revulsion in monetary affairs is still upon the country, and time will be necessary to inspire confidence. Until then, negotiations for money in this or foreign countries will be impracticable, except at ruinous rates, and in limited amounts. A more healthful state of things has already began to dawn, and we may indulge the hope that all the great interests of the country will in a short time, settle down into quiet progession and prosperity. In the mean time, whatever the views of the thoughtless and impulsive, our obvious policy is to continue to exercise prudence and economy, in all thinks pertaining to the management of our enterprise, secondary in importance to no other in the state, and to but few in the United States. Recklessness in this respect, would not only result in loss to the stockholders, and in procrastination, but in serious injury to the rising character of our young and now prosperous state. Every good citizen should feel interested in contributing something toward the latter, and your board we trust, is not behind others in this feeling. To waste the rich and generous gift of Congress by a hasty and ill-considered disposition, or allowing it to be appropriated to the advancement of individual interest, would be but acting over again what has been frequently charged upon our people. Allow us to assure you, that so far as we may be able to exercise control over the subject, the lands shall be *cared* for and faithfully applied.

We subjoin a statement prepared by the secretary, exhibiting a general view of the financial affairs and condition of the company. All of which is respectfully submitted.

EDWARD CROSS,
President.

GENERAL VIEW OF THE FINANCIAL AFFAIRS AND CONDITION OF THE CAIRO AND FULTON RAILROAD COMPANY, UP TO MAY 1ST, 1858.

The No. of Shares subscribed to the Capital stock up to May 1st, 1858, is...... 12,074

The amount received on same for 1st, 2d, 3d and 4th Installments and over payments thereon, is	$41,122 70
Received from sale of property	833 00
“ “ Messrs. Russell and Hughes	600 00
“ “ “ Cross and Johnson	2,500 00
Total amount from all sources	$45,055 70
There has been disbursed, viz:	
For PRELIMINARY EXPENSES, being for salaries and traveling expenses of officers and agents, for soliciting stock subscriptions, collecting installments, etc., etc., etc	$10,714 67
For ENGINEERING—being for salaries of engineer department—preliminary and location surveys, instruments, camp equipage, subsistence, teams, etc	22,757 02
For RIGHT OF WAY	851 13
For LANDS	485 00
For OFFICE EXPENSES	529 14
For GRADING	25 00
MISCELLANEOUS—being for interest, premium, exchange, protests, etc	175 07
INCIDENTALS—being for printing, binding, stationery, postage, etc	1,040 39
ASSETS and balance in hands of agents	8,096 21
CASH in the treasury	382 07
	$45,055 70

There is yet due on installments the following amounts, viz:

On the 1st	$ 62 50
“ “ 2d	5,555 30
“ “ 3d	8,495 65
“ “ 4th	6,268 00
Total amount due on installments	$20,381 45

Amount of claims against the company audited and allowed	$3,569 71
Approximate amount presented, but not yet acted on by executive committee	29,000 00
Total No. of acres of land certified to the company, within the *six mile limit*	336,820 26
Outside of the six mile limit and within the *fifteen mile limit*	732,409 14
Total amount of acres certified to company,	1,069,229 40
Total No. of acres obtained for right of way	7,175 00
Total No of acres claimed by pre-emptors	7,995 00
Number of acres of lands in controversy	161,890 00
Land purchased by the company	81 acres
Land donated to the company for depot grounds	10 "

Nnte—The foregoing having been prepared mainly from the records of the office, does not include the amount paid for clearing, grubbing and grading, the accounts for the same not having reached the office.

RICH'D FATHERLY, *Sec'y*
Cairo & Fulton R. R. Co.

On motion of Mr. Davies, one hundred copies of the communication and statement received from the secretary of the Cairo and Fulton railroad company, were ordered to be printed.

Motions and resolutions were declared in order.

Mr. Redmond offered the following joint resolution, viz:

Resolved by the General Assembly of the State of Arkansas, That the people of Arkansas have heard, with profound regret, of the death of the hero and statesman, John Anthony Quitman. Though the State of Mississippi claimed him as her own, his name and fame are the common property of the nation, whose interests he ably defended, and whose flag he proudly bore on many a well contested field, and carried in triumph through the Belen gate into the city of Mexico—while his memory is cherished by all the people of the south, whose gallant champion he was.

In every station he filled—as legislator, judge, soldier and statesman, he adorned and illustrated it by his surpassing abilities and spotless character. In the field, in the forum or on the bench, his bearing was that of a gallant gentleman, his aims were always just, and his was an integrity for which the Universe held no bribe.

His clear and far-sighted mind early saw the importance of the acquisition of Cuba, and the spread of democratic principles over our neighboring territory. To this end he labored, and had he lived, this important step would have been sooner and honorably taken. An upholder and exponent of the doctrine of state rights, he never wavered for a moment in their defence, and was their consistent advocate.

In his death, on the eve of a momentous struggle, the south lost a man whom she could illy spare.

Resolved, That the General Assembly of the State of Arkansas, in common with the people of the south, mourn the death of one whose brilliant mind and unblemished character, won for him the proud title of the Chevalier Bayard of the south; "without fear and without reproach."

Resolved, That these resolutions be entered on the journal as a testimony of respect for a great man, whom all loved and honored, and that copies of the same be transmitted by the governor of this state, to the widow of General Quitman, and to the governor of Mississippi

Which resolutions were read; and on motion of Mr. Humphreys, unanimously adopted.

On his further motion, it was ordered that two hundred copies thereof be printed for the use of the Senate.

On motion of Mr. Redmond, the name of Mr. Stirman was added to the committee on apportionments.

Mr. Trimble, from a select committee, made the following

REPORT:

Mr. President—

The select committee, to whom was referred Senate bill No. 21, to be entitled an act to change the time of holding the county and probate courts of Independence county, have had the same under consideration, and have instructed me to report the same back to the Senate; as amended, and recommend its passage.

TRIMBLE,
Chairman.

Report received, and said Senate bill No. 21, read the third time and passed.

No. 57. Mr. Stirman introduced a bill, to be entitled an act to build a public bridge across Petit Jean creek, in Yell county, in this state.

Read the first time.

On motion of Mr. Stirman, the rules were twice suspended, the bill read the second and third times by title, and passed.

No. 58. Mr. McCreery introduced a bill to be entitled an act for the relief of David W. Carroll, late state land agent for the Pine Bluff district, and Garlen Silvey, late state land agent for the Jacksonport district.

Read the first time.

On motion of Mr. McCreery the rules were suspended, the bill read the second time by title, and referred to the committee on swamp and overflowed lands.

No. 59. Mr. McCreery also introduced Senate bill to be entitled an act to authorize the county and probate judge of White county to cause to be transcribed the records of said county of White, and to legalize the same when so transcribed.

Read the first time.

On motion of Mr. McCreery, the rules were twice suspended, the bill read the second and third times, by title, and passed.

No. 60. Mr. Floyd introduced Senate bill to be entitled an act fixing the minimum price of swamp and overflowed of the State of Arkansas at one dollar per acre, from and after the 1st of December, 1858.

Read the first time.

On motion of Mr. Floyd, the rules were suspended, the bill read the second time by title, and referred to the committee on swamp and overflowed lands.

No. 61. Mr. Hampton introduced Senate bill to be entitled an act to make the Saline river, at Long View, the line between Ashley and Bradley counties.

Read the first time.

On motion of Mr. Hampton, the rules were twice suspended, the bill read the second and third times, by title, and passed.

No. 62. Mr. Redmond introduced Senate bill to be entitled an act to change the venue of the probate of the will of Junius W. Craig.

Read the first time.

Mr. Redmond presented at the same time, a statement of the general provisions of the will of said Junius W. Craig, and of other matters touching the probate of the same, in Chicot county; which was also read.

Mr. Hammond moved to reject the bill; on which motion, Mr Redmond demanded the yeas and nays.

Sustained, and roll called with the following result:

YEAS—Messrs. Hammond and Rosson—2.

NAYS—Messrs. Askew, Carrigan, Clark, Craighead, Davies, Douglas, Floyd, Gaines, Hampton, Humphreys, Jones, Marshall, McCreery, McColloch, Pennington, Redmond, Smithson, Stirman, Trimble, Watkins and Mr. President—21.

So the motion to reject was lost; and thereupon, on motion of Mr. Redmond, the rules were suspended, and the bill read the second time.

On motion of Mr. Hammond, the bill and accompanying statement were referred to the committee on the judiciary.

No. 63. Mr. Floyd introduced Senate bill to be entitled an act for the relief of sheriffs and tax collectors.

Read the first time.

On motion of Mr. Floyd, the rules were suspended, the bill read the second time by title, and referred to the committee on ways and means.

On motion of Mr. Carrigan, House bill No. 82, to be entitled an oct to change a portion of the military road, leading from Little Rock to Washington, Hempstead county, was taken up and read the first time.

On motion of Mr. Carrigan the rules were twice suspended, the bill read the second time, by title, and the third time, and passed.

Mr. Gaines moved to reconsider the vote of yesterday, on the motion to concur in House resolution proposing to delegate a joint select to attend the railroad barbecue to be given at Madison, on the 30th inst.

Mr. Rosson moved that the Senate adjourn until to-morrow morning 10 o'clock, which motion having precedence, the same was stated from the chair, when Mr. Floyd demanded the yeas and nays thereon.

Call sustained, and made with the following result:

YEAS—Messrs. Davies, Humphreys and Rosson—3.

NAYS—Messrs. Askew, Carrigan, Clark, Craighead, Douglas, Floyd, Gaines, Hammond, Hampton, Marshall, McCreery, McColloch, Pennington, Redmond, Smithson, Stirman, Trimble, Watkins and Mr. President—19.

So the motion to adjourn was lost.

Mr. Rosson then demanded the yeas and nays on the motion pending to reconsider; and the demand being sustained, the roll was called with the following result:

YEAS—Messrs. Askew, Clark, Floyd, Hammond, Hampton, Jones, McColloch, Redmond, Smithson and Trimble—10.

NAYS—Messrs. Carrigan, Craighead, Davies, Douglas, Gaines, Humphreys, Marshall, McCreery, Pennington, Rosson, Stirman, Watkins and Mr. President—13.

So the motion to reconsider was lost.

Mr. Douglas moved to reconsider the vote of yesterday on the passage of Senate bill No. 33, to be entitled an act for the promotion of the agricultural and mechanical interests of this state.

Mr. Floyd called for the yeas and nays on said motion.

Mr. Carrigan, after some discussion, moved to take a recess until 2½ o'clock, p. m.; which motion was lost.

Mr. President then stated the motion to reconsider, when the the call for the yeas and nays thereon was sustained.

Mr. Davies moved to adjourn until 10 o'clock to-morrow morning, which motion the chair decided out of order, a question having been stated for the vote, and the demand for the yeas and nays thereon sustained.

On motion of Mr. Gaines, a call of the Senate was ordered, and it was ascertained that Messrs. Craighead, Hammond and Pennington were absent without leave.

Messrs. Terry and Williams were absent by leave of the Senate.

Mr. Redmond asked and obtained leave of absence for Mr. Pennington on account of sickness.

After a short time, Messrs. Craighead and Hammond appeared, when a further call was suspended, and the yeas and nays ordered on the motion pending to reconsider, with the following result:

Yeas—Messrs. Askew, Craighead, Douglas, Gaines, Hampton, Humphreys, Jones, McColloch, Rosson, Trimble and Watkins—11.

Nays—Messrs. Carrigan, Clark, Davies, Floyd, Hammond, Marshall, McCreery, Redmond, Smithson, Stirman and Mr. President—11.

So the motion to reconsider was lost.

Mr. Trimble, from the committee on enrollments, made the following

REPORT:

Mr. President—

The committee on enrollments have examined Senate joint resolution No. 2, to graduate certain lands.

Also, Senate joint resolution No. 4, in reference to a mail route from Huntsville to Madison.

Also, Senate joint resolution No. 9, relative to a mail route from Memphis to Little Rock.

Also, Senate bill No. 29, entitled an act to change the time of holding the probate courts of the counties of Bradley and Scott.

Also, House joint resolution No. 5, in reference to a mail route from Fulton, to Springfield, in Missouri; and have instructed me to report the same correctly enrolled.

J. S. TRIMBLE,
Chairman.

Which report was received.

On motion of Mr. Stirman, the Senate adjourned until 10 o'clock to-morrow morning.

THOS. FLETCHER,
President.

Thursday, *November 25th*, 1858.

The Senate met pursuant to adjournment.

Prayer by the chaplain.

Roll called.

Present—Messrs. Askew, Carrigan, Clark, Craighead, Davies, Douglas, Floyd, Gaines, Hammond, Hampton, Humphreys, Jones, Marshall, McCreery, McColloch, Redmond, Rosson, Smithson, Stirman, Trimble, Watkins and Mr. President—22.

The journal of yesterday was read, approved and signed.

Petitions from counties were in order.

Mr. Hampton presented the petition of William H. Lefler, representing that he had proceeded to the State of Louisiana, under the authority of the governor of this state, and arrested one John B. Little, a fugitive from justice, and returned and delivered him to the sheriff of Desha county, and that in so doing he had incurred the expense of two hundred and fourteen dollars, which he asked to be appropriated to him.

No. 64. Said petition was accompanied by a bill to be entitled an act for the relief of William H. Lefler.

Which was read the first time.

On motion of Mr. Hampton, the rules were suspended, the bill read the second time by title, and with the petition, referred to the committee on claims.

Mr. Hammond offered Senate joint resolution No. 19, to-wit:

Resolved by the General Assembly of the State of Arkansas, That the fund in the state treasury known as the monument fund, amounting to forty-five dollars, which was paid into the treasury by the sheriff of Jefferson county, be appropriated to said county for the use of common schools of said county, and that the common school commissioner of said county be authorized to draw said amount out of the treasury and give his receipt for the same.

On motion of Mr. Rosson, the rules were suspended, and the resolution read the second time; and, on motion of Mr. Hammond, the rules were further suspended, the resolution read the third time and passed.

The following message was received from the governor:

Mr. President—

I am instructed by the governor, to report to the Senate, that on the 24th November, 1858, he approved and signed "an act to change the time of holding the probate courts of the counties of Bradley and Scott."

Also, three joint resolutions instructing our delegation in Congress:

One to procure the establishment of a daily mail by railroad and four-horse post coaches, between Memphis and Little Rock, to carry the mail destined for Little Rock, and to be distributed for the western counties and the Indian Nation.

One to procure the establishment of a semi-weekly two-horse coach mail from Huntsville, in Madison county, by Ozark, in Franklin county, to Waldron, Scott county, Arkansas.

And one to procure the passage of a law by Congress permitting "actual settlers on all the lands reserved to the United

States, within all the railroad surveys within this state, the privilege to make entry and purchase the same at the graduated price now fixed by Congress for graduating the price of the public lands."

R. H. JOHNSON,
Private Secretary.

Message from the House of Representatives by the clerk:

Mr. President—

I am instructed to inform your honorable body that the House of Representatives have adopted House joint resolution No. 4, relative to the location of the Pacific railroad on or near the 35th parallel of north latitude, on or near the route surveyed by Lieut. Whipple.

Said resolution is herewith transmitted, for the concurrence of your honorable body, which is respectfully asked.

The House of Representatives have passed House bill No. 4, entitled " an act to prevent the people from being defrauded with bank paper."

Also, House substitute bill No. 135, to be entitled " an act to increase the salaries of the judges, and expedite the business of the supreme court."

Which two bills are herewith transmitted for the assent of your honorable body, which is respectfully asked.

The House of Representatives have also adopted House joint resolution No. 23, relative to the mail route from Little Rock to Mt. Olive, Izard county; which is herewith transmitted for the concurrence of your honorable body, which is respectfully asked.

S. M. SCOTT, *Clerk of*
House of Representatives.

Mr. Askew arose and said that he was not in his seat on yesterday, when the joint resolutions relative to the death of Hon. John A. Quitman were acted upon, that he desired to have his name recorded upon the adoption of the resolutions, and proceeded to make some eulogistic remarks touching the fame and character of the deceased.

Mr. Gaines, after making some remarks on the same subject, moved a reconsideration of the vote on yesterday, in order that all Senators might have an opportunity to record their votes thereon.

Which motion prevailed.

On motion of Mr. Floyd the resolutions were amended by adding the following:

Resolved, further, That the members of this General Assembly wear crape on the left arm for thirty days, as a testimony of their grief for the loss to the nation of Gen. John A. Quitman.

On motion of Mr. Floyd the roll was then called, and the resolutions were unanimously adopted by the following vote:

Yeas—Messrs. Askew, Carrigan, Clark, Craighead, Davies, Douglas, Floyd, Gaines, Hammond, Hampton, Humphreys, Jones, Marshall, McCreery, McColloch, Redmond, Rosson, Smithson, Stirman, Trimble, Watkins and Mr. President—22.

Mr. Humphreys moved to take up House joint resolution No. 4, relative to the location of the Pacific railroad, on or near the 35th parallel of north latitude, upon or near the route surveyed by Lieut. Whipple.

Mr. Floyd demanded the yeas and nays on said resolution, which demand was sustained, and the roll called with the following result:

Yeas—Messrs. Clark, Craighead, Davies, Douglas, Floyd, Hampton, Humphreys, Jones, Marshall, McCreery, Smithson, Stirman, Trimble and Watkins—14.

Nays—Messrs. Askew, Carrigan, Gaines, Hammond, McColloch, Redmond, Rosson and Mr. President—8.

So the resolution was taken up and having been read, Mr. Humphreys moved that the Senate concur therein.

After some discussion Mr. Clark moved the previous question, which motion was sustained, and Mr. Floyd demanded the yeas and nays on the motion to concur, which was sustained and ordered with the following result:

Yeas—Messrs. Clark, Davies, Douglas, Floyd, Hampton, Humphreys, Jones, Marshall, McCreery, Redmond, Smithson, Stirman, Trimble, Watkins and Mr. President—15.

Nays—Messrs. Askew, Carrigan, Craighead, Gaines, Hammond, McColloch and Rosson—7.

So the resolution was concurred in.

Mr. Trimble from the committee on enrollments, made the following

REPORT:

Mr. President—

The committee on enrollments did on the 24th inst., hand to the governor for his approval Senate joint resolution No. 2.

Also, Senate joint resolution No. 4, in reference to a mail route from Huntsville to Waldron.

Also, Senate joint resolution No. 9, relative to a mail from Memphis to Little Rock.

Also, Senate bill No. 29, entitled "an act to change the time of holding the probate courts of the counties of Bradley and Scott."

Also, House joint resolution No. 5, in reference to a mail route from Fulton to Springfield, in Missouri; and have instructed me to report the same.

J. S. TRIMBLE,
Chairman.

No. 65. Mr. Floyd introduced a bill, to be entitled an act to require parties to indorse their names as liable for costs on bills of indictment for certain offences less than felony, when they shall make complaint.

Read the first time.

On motion of Mr. Floyd the rules were suspended, the bill read the second time by title, and referred to the committee on the judiciary.

No. 66. Mr. Smithson introduced Senate bill, to be entitled an act to incorporate the Fayetteville Female Institute.

Read the first time.

On motion of Mr. Hammond, rules suspended and bill read the second time, by title.

On motion of Mr. Redmond, the rules were further suspended, the bill read the third time, by title, and passed.

No. 67. Mr. Gaines introduced a bill, to be entitled an act to make an appropriation for the benefit of the Memphis and Little Rock railroad.

Read the first time.

On motion of Mr. Gaines, the rules were suspended, the bill read the second time, by title, and referred to the committee on internal improvements.

No. 68. Mr. Davies introduced Senate bill, to be entitled an act to carry out more perfectly the objects of the swamp land grant, and eqalize the benefits thereof, in the several districts and counties in this state.

Read the first time.

On motion of Mr. Davies, the rules were suspended, the bill read the second time, by title.

Mr. Davies moved to print one hundred copies of the bill.

Mr. Rosson moved to refer it to the committee on swamp and overflowed lands.

Which motion prevailed.

On motion of Mr. Floyd, the vote referring the bill was reconsidered.

Mr. Redmond then renewed the motion to print one hundred copies.

Mr. Rosson offered to amend said motion by saying five hundred copies.

Which amendment was, on motion of Mr. Stirman, laid upon the table

Mr. Askew offered to amend the motion to print by saying one thousand copies.

Which was, on motion of Mr. Floyd, also laid upon the table.

The motion to print one hundred copies was then adopted.

And, on motion of Mr. Floyd, the bill was referred to the committee on swamp and overflowed lands.

No. 69. Mr. Stirman introduced a bill to be entitled an act to change the names of Purdy Ann Parker, Martha Jane Parker, Calvin Parker, Augustine H. Parker, and Samuel Jasper Beck Parker, of Yell county.

Read the first time.

Mr. Watkins moved to reject the bill; which motion was lost.

On motion of Mr. Redmond, the rules were twice suspended, the bill read the second and third times, by title, and Mr Watkins called for the yeas and nays on its passage.

The call was sustained, and made with the following result:

Yeas—Messrs. Clark, Davies, Floyd, Hammond, Hampton, Humphreys, Jones, Marshall, McCreery, Redmond, Smithson, Stirman, Trimble and Mr. President—14.

Nays—Messrs. Askew, Carrigan, Craighead, Douglas, Gaines, McColloch, Rosson, and Watkins—8.

So the bill passed.

Mr. Floyd moved to take up Senate substitute bill No. 52, to be entitled an act concerning the Cairo and Fulton railroad and its two branches.

Mr. Gaines moved that the Senate adjourn until 10 o'clock to-morrow morning.

On which motion Mr. Floyd demanded the yeas and nays, and, being sustained, the roll was called:

Yeas—Messrs. Craighead, Davies, Gaines, Humphreys, Jones, McCreery, Smithson and Stirman—8.

Nays—Messrs. Askew, Carrigan, Clark, Douglas, Floyd, Hammond, Hampton, Marshall, McColloch, Redmond, Rosson, Trimble, Watkins and Mr. President—14.

So the motion to adjourn was lost.

Whereupon, the motion to take up Senate substitute bill No. 52, was adopted, and the bill read the second time.

Mr. Gaines moved that the Senate take a recess until 3 o'clock, p. m.

Which motion was lost.

Mr. Clark offered to amend the bill under consideration by inserting in lieu of section 2, the following:

Be it further enacted, That the Memphis and Little Rock railroad company, having completed the first division of said road in accordance with the requirements of law, all restrictions and conditions in reference to the time of the completion thereof are hereby released except such as are imposed by the act of Congress.

Which amendment was read and adopted.

Mr. Craighead moved that the Senate adjourn until 10 o'clock to-morrow morning; whereupon the yeas and nays were demanded, and, being sustained, the roll was called:

Yeas—Messrs. Askew, Craighead, Davies, Gaines, Humphreys, McCreery, Smithson and Mr. President—8.

Nays—Messrs. Carrigan, Clark, Douglas, Floyd, Hammond, Hampton, Jones, Marshall, McColloch, Redmond, Rosson, Stirman, Trimble and Watkins—14.

So the motion to adjourn was lost.

Mr. Humphreys then offered the following amendment to the bill, to-wit:

Sec. —. That every person who, on the first day of November, 1858, shall reside on or cultivate any improvement on any of the land comprised in the grant made by virtue of and under the provisions of the act of Congress, approved February 9th, 1853, may purchase from the said Cairo and Fulton railroad company at two dollars and fifty cents per acre, the legal subdivision of such lands as shall include the dwellings and improvements, not to exceed one quarter section, by complying with the conditions prescribed by an act passed by the last General Assembly of this state, entitled "an act to amend an act to aid in the construction of the Cairo and Fulton railroad, approved January 16th, 1855," which act was approved November 26, 1856; *And provided further*, That until such default mentioned in said act, the owners of such improvement shall be entitled to use and occupy the same free from rent or charges.

Which amendment being read, Mr. Rosson offered to amend the same by striking out the "first day of November, 1858," and inserting the "first day of November, 1856," in lieu thereof.

Mr. Humphreys moved to lay the amendment to the amendment on the table.

On which motion Mr. Floyd demanded the yeas and nays, and, being sustained, the roll was called:

Yeas—Messrs. Askew, Clark, Craighead, Davies, Douglas, Gaines, Humphreys, Jones, McCreery, Redmond, Smithson, Stirman, Trimble and Watkins—14.

Nays—Messrs. Carrigan, Floyd, Hammond, Hampton, Marshall, McColloch, Rosson and Mr. President—8.

So the amendment to the amendment was laid on the table.

Mr. Clark moved to postpone the bill and amendment offered by Mr. Humphreys, until 10 o'clock to-morrow.

On which motion Mr. Floyd called for the yeas and nays, and, being sustained, they were ordered:

Yeas—Messrs. Askew, Clark, Craighead, Douglas, Gaines, Humphreys, Jones, McCreery, McColloch, Redmond, Smithson, Stirman and Watkins—13.

Nays—Messrs. Carrigan, Davies, Floyd, Hammond, Hampton, Marshall, Rosson, Trimble and Mr. President—9.

So the motion to postpone prevailed.

On motion of Mr. Askew, the Senate adjourned until 10 o'clock to-morrow morning.

THOS. FLETCHER,
President.

FRIDAY, *November* 26, 1858.

The Senate met pursuant to adjournment.

Prayer by the chaplain.

Roll called.

PRESENT—Messrs. Askew, Carrigan, Clark, Craighead, Davies, Douglas, Floyd, Gaines, Hammond, Hampton, Humphreys, Jones, Marshall, McCreery, McColloch, Redmond, Rosson, Stirman, Trimble, Watkins, and Mr. President—21.

The journal of yesterday was read, approved and signed.

The following message was received from the House of Representatives, by the clerk:

MR. PRESIDENT—

I am instructed to inform your honorable body that the House of Representatives have adopted joint resolution No. 26, relative to increase of mail service on route No. 7807.

House joint resolution No. 27, relative to an extension of the White river mail route up Little Red river to West Point, and for the establishment of a new mail route from West Point to Searcy.

Said resolutions are herewith transmitted for the concurrence of your honorable body, which is respectfully asked.

The House of Representatives have passed House substitute bill No. 136, entitled "an act to prohibit the emancipation of slaves."

Said bill is herewith transmitted for the assent of your honorable body, which is respectfully asked.

The House of Representatives have also adopted House joint resolution No. 28, relative to the mail route from Yellville, in Marion county, to Clinton, in Van Buren county.

Said resolution is herewith transmitted for the concurrence of your honorable body, which is respectfully asked.

S. M. SCOTT, *Clerk of*
House of Representatives.

On motion of Mr. Humphreys, Senate bill No. 52, to be entitled an act concerning the Cairo and Fulton railroad and its two branches, and the amendment thereto pending were taken up, and the question being upon the adoption of the amendment, Mr. Floyd called for the yeas and nays thereon, which call being sustained, was ordered, with the following result:

Yeas—Messrs Askew, Carrigan, Clark, Davies, Douglas, Floyd, Hampton, Humphreys, Jones, Marshall, McCreery, McColloch, Stirman, Watkins and Mr. President—15.

Nays—Messrs. Craighead, Gaines, Hammond, Rosson and Trimble—5.

So the amendment was adopted.

Mr. Davis offered to amend the bill, as amended, by striking out the words "legal subdivisions" wherever they occur, and inserting the following, to-wit:

"One hundred and sixty acres, which may include his actual residence or farm, as he chooses to elect."

Mr. Davies demanded the yeas and nays on the adoption of said amendment, and being sustained, the roll was called with the following result:

Yeas—Messrs. Askew, Clark, Craighead, Davies, Douglas, Floyd, Humphreys, Jones. Marshall, McCreery, McColloch, Redmond, Watkins and Mr. President—14.

Nays—Messrs. Carrigan, Gaines, Hammond, Hampton, Rosson, Stirman and Trimble—7.

So the amendment was adopted.

Mr. Gaines moved a call of the Senate, which being sustained, the roll was called, when it appeared that Messrs. Clark and Smithson were absent without leave.

Messrs. Pennington, Terry and Williams were absent by leave of the Senate.

On motion of Mr. Redmond, leave of absence was granted to Mr. Smithson on account of sickness.

Mr. Clark appeared, and a further call of the Senate was dispensed with.

Mr. Floyd moved that Senate bill No. 52, then under consideration, be read the third time.

Mr. Askew moved that the Senate adjourn until 10 o'clock to-morrow morning; on which motion, Mr. Floyd called for the yeas and nays, which being sustained, were ordered:

Yeas—Messrs. Askew, Jones, McCreery and Rosson—4.

Nays—Messrs. Carrigan, Clark, Craighead, Davies, Douglas, Floyd, Gaines, Hammond, Hampton, Humphreys, Marshall, McColloch, Redmond, Stirman, Trimble, Watkins and Mr. President—17.

So the motion to adjourn was lost.

The motion of Mr. Floyd to read Senate bill No. 52 the third time was then stated. from the chair, and being adopted, the bill was read, when Mr. Marshall demanded the yeas and nays on its passage.

Sustained and ordered with the following result:

Yeas—Messrs. Askew, Carrigan, Clark, Davies, Douglas, Floyd, Hammond, Hampton, Humphreys, Marshall, McColloch, Redmond, Rosson, Stirman, Trimble, Watkins and Mr. President—17.

NAYS—Messrs. Craighead, Gaines, Jones and McCreery—4.

So the bill passed.

Mr. Floyd moved to reconsider the vote on the passage of the bill, and Mr. Hammond moved the previous question.

The chair stated, "shall the main question be now put?" and the Senate decided in the affirmative.

Mr. Floyd demanded the yeas and nays on his motion to reconsider, and the demand being sustained, the roll was called with the following result:

YEAS—Messrs. Askew, Carrigan, Clark, Craighead, Gaines, Jones, McCreery and McColloch—8.

NAYS—Messrs. Davies, Douglas, Floyd, Hammond, Hampton, Humphreys, Marshall, Redmond, Rosson, Stirman, Trimble, Watkins and Mr. President—13.

So the motion to reconsider was lost.

Mr. Askew asked leave to change his vote on the passage of the bill; which was granted.

Mr. Clark moved to take up House joint resolution No. 26, asking an increase of service on mail route No. 7,807; but on motion of Mr. Humphreys, the Senate adjourned until 10 o'clock to-morrow morning.

THOS. FLETCHER,
President.

SATURDAY, *November* 27, 1858.

The Senate met pursuant to adjournment.

Prayer by the chaplain.

The roll was called.

PRESENT—Messrs. Askew, Carrigan, Clark, Craighead, Davies, Douglas, Floyd, Gaines, Hammond, Hampton, Humphreys, Jones, Marshall, McCreery, McColloch, Pennington, Redmond, Rosson, Smithson, Stirman, Trimble, Watkins, and Mr. President—23.

The journal of yesterday was read, approved and signed.

On motion of Mr. Gaines, House bill No. 45, to be entitled an act to provide for the salary of the probate judge of the county of Chicot, and also to increase the fees of justices of the peace of said county, was taken up and read the first time.

On motion of Mr. Gaines, the rules were suspended, the bill read the second time, by title, when he offered a substitute therefor, by way of amendment.

On motion of Mr. Humphreys, the same, with the bill, was referred to a select committee.

Mr. President appointed Messrs. Humphreys, Gaines and Hampton, such committee.

On motion of Mr. Gaines, House joint resolution No. 26, asking an increase of service on mail route No. 7,807, was taken up and read.

On motion of Mr. Clark, said resolution was concurred in by the Senate.

Mr. Redmond, from the committee on ways and means, made the following

REPORT:

Mr. President—

The committee on ways and means, to whom was referred Senate bill No. 63, to be entitled an act for the relief of sheriffs and tax collectors, have had the same under consideration, and a majority of said committee have instructed me to report the same back to the Senate, and recommend its passage.

REDMOND,
Chairman.

Which report was read; and on motion of Mr. Floyd, said Senate bill No. 63 was read the third time and passed.

Mr. Humphreys, from the committee on claims, made the following

REPORT:

Mr. President—

The committee on claims to whom was referred the petition of William H. Lefler, accompanied by Senate bill No. 64, have examined the same, and I am instructed by a majority of said committee to report the same back to the Senate and recommend its passage.

HUMPHREYS,
Chairman.

Which report was read; and Senate bill No. 64, to be entitled an act for the relief of William H. Lefler, took its course under the rule.

Mr. Hampton, from the committee on internal improvements, made the following

REPORT:

Mr. President—

The internal improvement committee, to whom was referred Senate bill No. 67, to be entitled "an act to make an appropriation for the benefit of the Memphis and Little Rock railroad," have had the same under consideration, and I am instructed to report said bill back and recommend its rejection.

HAMPTON,
Chairman.

Which report was read; and on motion of Mr. Humphreys, adopted.

On motion of Mr. Hampton, the adoption of the report was, after discussion, reconsidered, and the bill ordered to take its course under the rule.

Mr. Hampton further, from said committee, made the following

REPORT:

Mr. President.

The internal improvement committee, to whom was referred sundry petitions from citizens living near the contemplated line of the Cairo and Fulton railroad, have had the same under consideration, and I am instructed to report the same back and ask to be discharged from the further consideration thereof.

HAMPTON,
Chairman.

Which report was read; and on motion of Mr. Carrigan, it was adopted, and the committee accordingly discharged.

On motion of Mr. Floyd, Senate bill No. 7, to be entitled an act to regulate and prescribe the fees of the attorneys prosecuting for the state in criminal cases, and the reports of the majority and minority of the committee on the judiciary thereon, was taken up and read.

The question being upon the adoption of the majority report, which recommended the rejection of the bill, Mr. Floyd demanded the yeas and nays thereon, and the demand being sustained, the roll was called:

Yeas—Messrs. Askew, Clark, Craighead, Douglas, Gaines, Hampton, Humphreys, McCreery, McColloch, Pennington, Rosson, Smithson, Stirman, Watkins and Mr. President—15.

Nays—Messrs. Carrigan, Davies, Floyd, Jones, Marshall, Redmond and Trimble—7.

So the majority report was adopted, and said Senate bill thereby rejected.

A message from the House of Representatives, by the clerk:

Mr. President—

I am instructed to inform your honorable body that the House of Representatives have passed House substitute bill No. 139, entitled an act for the relief of Gray C. Brown, of Clark county, Arkansas.

Said bill is herewith transmitted for the assent of your honorable body, which is respectfully asked.

The House of Representatives have also adopted House joint resolution No. 29, relative to pre-emptions on railroad lands.

Said resolution is herewith transmitted for the concurrence of your honorable body, which is respectfully asked.

The House of Representatives have also adopted a resolution of congratulation on the completion of the first division of the Memphis and Little Rock railroad.

Said resolution is herewith transmitted for the concurrence of your honorable body, which is respectfully asked.

The House of Representatives have concurred in Senate joint resolutions relative to the death of Hon. John A. Quitman.

Said resolution is herewith returned.

The House of Representatives have adopted joint resolution No. 15, relative to memorializing Congress, to confirm certain land entries, and permit United States land, in railroad reserves to be entered at graduated prices.

Said resolution is herewith transmitted for the concurrence of your honorable body, which is respectfully asked.

S. M. SCOTT, *Clerk of*
House of Representatives.

Mr. Rosson was called to the chair.

The following message was received from the House of Representatives by their clerk:

Mr. President—

I am instructed to inform your honorable body that the House of Representatives have adopted the following joint resolution, to-wit:

Resolved, That the two houses of this General Assembly meet in convention in this hall, on Monday week next, at eleven o'clock A. M., for the purpose of electing state land agents for the several land districts of this state, except the Fayetteville district (proposed to be abolished) and that the Senate be requested to concur herein.

S. M. SCOTT, *Clerk of*
House of Representatives.

On motion of Mr. Redmond, Senate joint resolutions No. 17 and No. 18, relative to the reopening of the African slave trade, were taken up and read, when

Mr. Askew offered the following substitute for said resolutions, to-wit:

Whereas, It is the opinion of this General Assembly that the institution of slavery is sanctioned by the bible.

And whereas, the same was at the time of the settlement of this country by our ancestors, a part of the common law of

England, and they, in their immigration to this country, brought with them the common law of England as their birthright, by virtue of which, in addition to Divine right, the institution of slavery became and was, on the 4th day of July, 1776, a part of the common law of the country.

And whereas, the declaration of Independence did not destroy any of the rights of our ancestors, enjoyed by them at the time they severed the ties that united them to the mother country, but all their rights of property still existed.

And whereas, the institution of slavery at the time of the adoption of the constitution of the United States, existed in the same right in which it did at the time of the declaration of independence.

And whereas, the constitution of the United States recognizes and protects the right of the master to his slave wherever that constitution has force.

And whereas, the constitution of the United States is the paramount law of the land, any law or state constitution to the contrary notwithstanding.

And whereas, the principal staple production of the south is the result of slave labor.

And whereas, the action of the government of the United States in lending its aid to the interdiction of the importation of Africans to the United States is in derogation of the rights of American citizens; therefore

Be it resolved by the General Assembly of the State of Arkansas, That our Senators and Representatives in Congress be and they are hereby requested to use their influence for the abrogation of all treaties with any and all the nations of the earth, requiring the United States to keep a naval force on the African coast, and also, for the repeal of all laws declaring it piracy for American citizens to import Africans to the United States.

Which was read, when Mr. Redmond moved the adoption of the same in lieu of the resolutions No. 17 and 18.

After some discussion, Mr. Clark moved the indefinite postponement of the resolutions and substitute, on which motion Mr. Floyd demanded the yeas and nays, and the demand being sustained, the roll was called with the following result:

YEAS—Messrs. Carrigan, Clark, Craighead, Davies, Douglas, Hampton, Humphreys, Jones, Marshall, McCreery, McColloch, Pennington, Smithson, Watkins and Mr. President—15.

NAYS—Messrs. Askew, Floyd, Gaines, Hammond, Redmond, Rosson, Stirman and Trimble—8.

So the resolutions and substitute were indefinitely postponed.

Mr. Trimble, from the committee on enrollments, made the following

REPORT:

Mr. President—

The committee on enrollment have examined House bill No. 82.

Also, House bill No. 102, entitled an act to pay the judge of the probate and county courts of Drew county a regular salary.

Also, House bill No. 78, entitled an act to incorporate the town of Dover, in Pope county, and have instructed me to report the same correctly enrolled.

J. S. TRIMBLE,
Chairman.

Which was received.

On motion of Mr. Hammond, the Senate adjourned until 10 o'clock Monday morning.

THOS. FLETCHER,
President.

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Monday, *November 29th*, 1858.

The Senate met pursuant to adjournment.

Prayer by the chaplain.

Roll called.

Present—Messrs. Askew, Carrigan, Clark, Craighead, Davies, Douglas, Floyd, Gaines, Hammond, Hampton, Humphreys, Jones, Marshall, McCreery, McColloch, Pennington, Redmond, Rosson, Smithson, Stirman, Trimble, Watkins and Mr. President—23.

The journal of Saturday was read, approved and signed.

Mr. McCreery asked and obtained leave to withdraw sundry petitions of citizens living on the line of the Cairo and Fulton railroad, heretofore presented by him.

On motion of Mr. Clark, Senate bill No. 54, to be entitled an act to provide for the correction of errors in the sale of state lands, and for other purposes, was taken up and read the second time by title, and on his motion referred to the committee on swamp and overflowed lands.

On motion of Mr. Clark; Senate bill No. 55, to be entitled an act to enable the land agents to issue certificates in certain cases, and for other purposes, was taken up and read the second time, and on his motion, referred to the committee on swamp and overflowed lands.

On the further motion of Mr. Clark, Senate bill No. 56, to be entitled an act concerning the settling and conveying of certain lands, was taken up and read the second time by title, and on his motion, referred to the committee on swamp and overflowed lands.

On motion of Mr. Floyd, Senate bill No. 8, to be entitled an act to exclude from residing in the State of Arkansas, all free colored persons, mulattoes and negroes, of the African race, and for other purposes, was made the special order of the day for Thursday next.

Mr. Hammond, from the committee on swamp and overflowed lands, made the following

REPORT:

Mr. President—

The committee on swamp and overflowed lands, to whom was referred Senate bill No. 58, have had the same under consideration, and a majority of said committee have instructed me to report the same back with several amendments, and recommend its passage.

HAMMOND,
Chairman.

The following are the amendments proposed by the committee:

Amend section 3d, as follows, to-wit:

Strike out of section 3d the letter "s" in the word sums, so as to read sum, in the fourth line.

Strike out of sixth line all after the word "Carroll."

Strike out of seventh line the word "their," and insert "his"—strike out of same line the word "respectively."

Amend third section by adding after the word "favor," in seventh line, "and the state treasurer be authorized to issue scrip on the auditor's warrant, subject to location in the old Pine Bluff district."

Sec. 4, *Be it further enacted*, That the amount due said Garlen Silvey, as aforesaid, be placed to his credit if he be indebted to the State of Arkansas, if not the auditor shall draw his warrant for so much thereof as is due him, on the treasury, payable in swamp land scrip of the old Jacksonport district.

Sec. 5. *Be it further enacted*, That this act shall take effect from and after its passage.

On motion of Mr. Hammond, the amendments were adopted and the bill ordered to take its place under the rules.

Mr. Davies, from a select committee made the following

REPORT:

Mr. President—

The select committee, to whom was referred Senate bill No. 50, have instructed me to report the same back to the Senate, with the following amendment, and recommend its passage.

Insert "linaments," between the words "plaster" and "drugs" wherever they occur in the bill.

DAVIES,
Chairman.

Which report was read, and on motion of Mr. Davies, the amendment was adopted.

On motion of Mr. Smithson, the bill, as amended, was, after discussion, recommitted to the select committee to whom it was first referred.

Mr. Humphreys, from a select committee, made the following

REPORT:

Mr. PRESIDENT—

The select committee, to whom was referred House bill No. 45, have had the same under consideration, and have instructed me to report the same back to the Senate with an amendment, and with its adoption, to recommend the passage of the bill.

HUMPHREYS,
Chairman.

Amendment:

Strike out all after the enacting clause and insert

That at the first term of the county court of Chicot county, after the passage of this act the said court shall fix an annual salary for the probate judge of said county, which shall thereafter be paid quarterly out of the county treasury.

SEC. 2. *Be it further enacted,* That from and after the passage of this act the justices of the peace of said county, in addition to the present fees shall be entitled each to the sum of three dollars per day for every day they may be engaged in holding the county court, to be paid out of the county treasury.

SEC. 3. This act shall be in force from and after its passage.

On motion of Mr. Gaines, said amendments were adopted, and on his further motion the bill was read the third time as amended and passed.

No. 70. Mr. Douglas introduced Senate bill to be entitled an act to revive swamp land scrip, and to extend the time for locating the same.

Read the first time.

On motion of Mr. Douglas, the rules were suspended, the bill read the second time by title and referred to the committee on swamp and overflowed lands.

No. 71. Mr. Davies introduced Senate bill, to be entitled an act for the relief of George T. Yocoum, and John Yocoum, of Green county.

Read the first time.

On motion of Mr. Davies the rules were suspended, the bill read the second time by title, and referred to the committee on swamp and overflowed land.

Message from the House of Representatives by the clerk:

Mr. President—

I am instructed to inform your honorable body that the House of Representatives have passed the following bills, viz:

House bill No. 12, entitled "an act to exempt Scott county from the operations of a law approved 15th January, 1857, authorizing the county courts of Jefferson, Scott, Sebastian, Chicot, Hempstead and Randolph, to levy a road tax."

Also, House bill No. 126, entitled "an act for the relief of John McLain Sappington, of Chicot county."

Also, House bill No. 142, entitled "an act to amend the election laws of this state."

Also, House bill No. 144, entitled "an act to incorporate the Atlanta Male and Female Academy, in Union county, and to prohibit the sale of alcoholic liquors within one mile of the same."

Said bills are herewith transmitted for the assent of your honorable body which is respectfully asked.

The House of Representatives have also adopted House joint resolution No. 31, relative to procuring the U. S. Arsenal grounds, at or near Little Rock, for a lunatic asylum.

Which is herewith transmitted for the concurrence of your honorable body, which is respectfully asked.

S. M. SCOTT, *Clerk of*
House of Representatives.

On motion of Mr. Floyd, the resolution of the House, proposing to go into the election of state land agents on Monday week next, was taken up and read.

On motion of Mr. Rosson, the words "sixth of December" were inserted after the word "next," to make the resolution more specific.

Mr. Davies moved to amend the resolution as amended, by striking out "Monday week next the sixth of December," and inserting "Monday, the 20th of December, proximo," in lieu thereof.

Mr. Redmond demanded the yeas and nays on said motion, which was sustained, and the roll called, with the following result:

Yeas—Messrs. Clark, Craighead, Davies, Douglas, Gaines, Hampton, Humphreys, Marshall, Pennington and Mr. President—10.

Nays—Messrs. Askew, Carrigan, Floyd, Hammond, Jones, McCreery, McColloch, Redmond, Rosson, Smithson, Stirman, Trimble and Watkins—13.

So the motion to strike out and insert was lost.

Mr. Stirman was called to the chair.

Mr. Askew offered to amend the resolution under consideration, as follows, to-wit:

"*Provided*, That no officer shall be entitled to any salary who may be elected under this resolution, if the office be abolished or the district in any manner changed during this General Assembly."

Which amendment was, on motion of Mr. Humphreys, adopted.

On motion of Mr. Floyd, the resolution, as amended was then concurred in by the Senate.

On motion of Mr. Humphreys the resolution of the House proposing to go into the election of a judge of the supreme court, to fill the vacancy caused by the resignation of Hon. T. B. Hanly, on the first Monday in December, was taken up and concurred in by the Senate.

No. 72. Mr. Hampton introduced Senate bill to be entitled an act to vest in the county courts of the several counties of this state, authority to regulate the rates of toll which may be charged by the owners or occupants of mills grinding grain.

Which was read the first time.

On motion of Mr. Hampton, the rules were suspended, the bill read the second time by title, and referred to the committee on the judiciary.

No. 73. Mr. Hammond introduced Senate bill to be entitled an act to amend section sixteen of article IV of chapter 101 of Gould's Digest of the Statutes of Arkansas.

Which was read the first time.

On motion of Mr. Hammond, the rules were suspended, the bill read the second time by title, and referred to the committee on swamp and overflowed lands.

No. 74. Mr. Davies introduced Senate bill to be entitled an act to authorize the clerk of Greene county, to transcribe certain records.

Which was read the first time.

On motion of Mr. Davies the rules were suspended, the bill read the second time by title, when Mr. Jones moved to amend by extending the provisions of the bill to Poinsett county.

Which amendment was adopted.

On motion of Mr. Redmond the bill was read the third time as amended, by title, and passed.

Mr. Smithson moved, in writing, to reconsider the vote of Saturday, indefinitely postponing the Senate resolutions and substitute upon the subject of re-opening the African slave trade.

Mr. Askew arose and proceeded to discuss the subject of the resolutions and substitute, when Mr. Rosson arose to a point of order, to:wit:

That discussion touching the subject of the resolutions was out of order on the motion to re-consider, and the chair so decided, but stated that if it be the will of the Senate, the speaker could proceed; whereupon, leave was granted to Mr. Askew to proceed; but Mr. Hammond having obtained the floor, on his motion the Senate adjourned until 10 o'clock, to-morrow morning.

THOS. FLETCHER,
President.

TUESDAY, *November* 30*th*, 1858.

The Senate met pursuant to adjournment.

Prayer by the chaplain.

The roll was called, when the following Senators answered to their names:

Messrs. Askew, Carrigan, Clark, Craighead, Davies, Douglas, Floyd, Gaines, Hammond, Hampton, Humphreys, Jones, Marshall, McCreery, McColloch, Pennington, Redmond, Rosson, Stirman, Trimble, Watkins and Mr. President—22.

The journal of yesterday was read, approved and signed.

The following Message was received from the House of Representatives by their clerk:

Mr. PRESIDENT—

I am instructed to inform your honorable body that the House of Representatives have adopted the subjoined resolution, viz:

Resolved, That the doorkeeper of the Senate and House of Representatives be required to procure the prepayment of postage on all the public documents of each member directed to their respective constituents, which has been published by authority of the state government, and that they be reimbursed therefor out of the contingent fund of each house respectively, and that the Senate be requested to concur herein.

Which is herewith transmitted for the concurrence of your honorable body, which is respectfully asked.

The House of Representatives have also passed House bill No. 28, to be entitled an act to amend the fourteenth section of chapter 146 of Gould's Digest of the Statutes of Arkansas.

Also, House bill No. 138, entitled an act to amend an act to grant to George W. Robertson and Blake Little, a charter for the purpose of erecting and building toll bridges on the Batesville road across the L'Anguile river, Bushy lake, Forked slough and Bayou DeView, in Poinsett county.

Also, House bill No. 152, entitled an act to incorporate the city of Napoleon.

Also, House bill No. 153, entitled an act declaring all roads and highways, in Lafayette county, lawful, and for other purposes.

Also, House bill No. 154, entitled an act to repeal in part an act entitled an act for the relief of the counties of Franklin, Union and Calhoun, approved 24th November, 1854.

And, also, House bill No. 160, entitled an act to grant an extension of time to make a cut-off on the Arkansas river, in sections 17 and 20, township 9 south, range 1 west.

Which said bills are herewith transmitted for the assent of your honorable body, which is respectfully asked.

The House of Representatives have also adopted the following joint resolutions:

Whereas, By the disposition of an All-wise Providence, the Hon. John H. Torbett, of Scott county, one of the members of this body, has been taken from our midst, by which the state has lost a useful and devoted citizen, and this body deprived of his wise and salutary counsel as a legislator—therefore, be it

Resolved, That we have learned with feelings of the profoundest sorrow of the death of Hon. John H. Torbett, by which we have lost an enlightened and useful member, the county of Scott an able and faithful representative, and society one whose sterling qualities of heart made him many strong friends.

Resolved, That we sincerely sympathize with the relatives of the deceased, and as a mark of our respect to his memory, the House of Representatives will suspend the transaction of business for to-day, and that the Senate be requested to concur herein.

Resolved, That these resolutions shall be spread upon the journals of the House, and that copies thereof be transmitted to his relatives, and that the members of this house will wear the usual badge of mourning for thirty days.

Resolved, That a committee of five be appointed on the part of the House, and three on the part of the Senate, to make suitable arrangements for the funeral of the deceased.

The committee on the part of the House consists of Messrs. Duval, Hill, Cook, Venable and Moss.

Said resolutions are herewith transmitted for the concurrence of yur honorable body; which is respectfully asked.

S. M. SCOTT, *Clerk of*
House of Representatives.

On motion of Mr. Clark the resolutions of the House, relative to the death of the Hon. John H. Torbett, were taken up and unanimously concurred in by the Senate; and, thereupon, Mr. President appointed Messrs. Clark, Rosson and Marshall, the committee on the part of the Senate, provided for under said resolution.

On motion of Mr. Humphreys, the Senate took a recess.

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11 O'CLOCK, A. M.

The Senate convened.

Mr. Clark from the joint select committee, appointed to make arrangements for the funeral of the Hon. John H. Torbett, made the following

REPORT:

Mr. PRESIDENT—

The joint committee appointed to make arrangements for the funeral of the Hon. John H. Torbett, would respectfully report that they have agreed upon the following order of arrangements, to-wit:

That both Houses of the General Assembly attend the funeral.

That the procession will form under the direction of the marshals, in front of the capitol, at 2 o'clock, this afternoon, and proceed to the residence of Samuel Bender, on Elm street, in the order hereinafter prescribed, and from thence escort the body to the hall of the House of Representatives, where the President of the Senate and the Speaker of the House shall call the assembly to order, and preside while the chaplain of the House perform the funeral ceremonies—and from thence the procession will move to the cemetery.

ORDER OF PROCESSION.

1st. Band in front.

2d. Hearse and pall-bearers.

3d. Relatives of the deceased.

4th. Members of the House preceded by the Speaker and other officers.

5th. Senate preceded by the President and other officers.

6th. Citizens and strangers.

Marshal on the part of the Senate—Hon. F. P. Redmond.

Marshal on the part of the House—Hon. T. D. Bateman.

Pall-bearers on the part of the Senate—Messrs. Trimble, Humphreys, Davies and Carrigan.

Pall-bearers on the part of the House—Messrs. Couch, Hammond, Baxter, Stuart, Anderson of Phillips, and Johnson of Desha.

GREEN J. CLARK,
W. B. MARSHALL,
SIMEON E. ROSSON,
Senate Committee.
B. T. DUVAL,
L. D. HILL,
L. R. VENABLE,
J. C. C. MOSS,
L. A. COOK,
House Committee.

On motion of Mr. Rosson, said report was adopted; and, on motion of Mr. Floyd, fifty copies of the programme of arrangements were ordered to be printed for the Senate.

On motion of Mr. Clark, the Senate adjourned until 10 o'clock to-morrow morning.

THOS. FLETCHER,
President.

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WEDNESDAY, *December* 1, 1858.

The Senate met pursuant to adjournment.

Prayer by the chaplain.

Roll called.

PRESENT—Messrs. Askew, Carrigan, Clark, Craighead, Davies, Douglas, Floyd, Gaines, Hammond, Hampton, Humphreys, Jones, Marshall, McCreery, McColloch, Pennington, Redmond, Rosson, Stirman, Trimble, Watkins, and Mr. President—22.

The journal of yesterday was read, approved and signed.

Motions and resolutions were in order.

Mr. Rosson offered Senate joint resolution No. 20, to-wit:

Resolved by the General Assembly of the State of Arkansas, That the joint committee on auditor and treasurer's books be, and they are hereby, instructed to have the redeemed treasury warrants, old state scrip, and Arkansas bank paper, now in the treasurer's office, registered and destroyed by burning; and that they also have registered, canceled, sealed up and filed away, two state bank bonds now in the treasury, taken from the securities of Samuel Adams, former state treasurer.

Be it further resolved, That said joint committee may employ a clerk to register said scrip, warrants and bonds, if they find it necessary.

Which was read the first time.

On motion of Mr. Hammond, the rules were suspended, and the resolution read the second time.

On motion of Mr. Rosson, the rules were again suspended, the resolution read the third time and adopted.

Mr. Clark offered Senate joint resolution No. 21, as follows:

Resolved by the General Assembly of the State of Arkansas, That the governor of this state be, and he is hereby, requested to inquire, and, if possible, to ascertain from the proper offices in Washington City, if there can be procured from said offices, or elsewhere, full and complete lists of all lands in the State of Arkansas that have been ceded, granted, sold, donated or otherwise disposed of by the general government, together with a list of all entries, grants or locations that have been canceled or set aside. Further, to ascertain the probable cost of obtaining such lists, and whether, in his opinion, the obtaining of such lists by the state would be of advantage thereto, and warrant the cost of obtaining the same; which information he is further requested to present, in such form as he may think proper, to the next General Assembly.

Which resolution was read, and, on motion of Mr. Clark, adopted.

Mr. Stirman offered the following joint resolutions on federal relations, to-wit:

WHEREAS, The recent declarations contained in the speech or manifesto of William H. Seward, the acknowledged head and leader of the black republican party, are virtual declarations of war against the people of the south, their institutions and their principles, and it behooves us to prepare for the coming conflict. It is not the part of wise men to attempt to disparage or under-estimate the force opposed to them, nor are the people of Arkansas unaware of the strength of the opposition. The recent elections at the north are convincing proofs that the majority there is made up of sectionalists; opponents to democracy, and foes of the south. But while we are aware of the number of our foes, we know that there are at the north, both men and journals, who, with patriotic heroism, bravely maintain the rights of the south, in the Union, and, with a courage worthy of all praise bare their breasts to the storm, and receive its first fury, that it may reach us with diminished force. To those democrats of the north, who have braved the powers of a majority, who have met the sneers and denunciations of fanaticism, and who maintained the right for the love they bore it, the thanks and gratitude of the people of the south are due; and

Whereas, President Buchanan, in selecting his cabinet, chose not only distinguished and tried men of the south, but also true northern men, who have ever opposed fanaticism and sectionalism in all its forms, and with them has manfully resisted the encroachments of the opposition, and stood as a barrier against further agression. Therefore,

Be it resolved by the General Assembly of the State of Arkansas, That the administration of James Buchanan is entitled to our confidence and support, and that the fierce opposition of the black republicans to him is convincing proof that he has opposed their policy and maintained the rights of the south and the integrity of the Union.

Resolved, That in view of the attempts of the black republicans to crush the president, the people of the south should give him and his administration their undivided support, and aid and sustain him in his defence of us and our institutions.

Resolved, That it ill becomes any press in the south to oppose and abuse a president who has stood between them and a fanatical foe, who has been the consistent advocate and defender of state rights, and a victory over whose administration, has, in every instance, been an abolition triumph.

Resolved, That the opponents of the democracy in the south should consider that they are endeavoring to break down the only party capable of resisting northern aggression and of staying the tide that threatens to overwhelm us all.

Resolved, That in Jacob Thompson, the present secretary of the interior, the south has an able member of an able cabinet, a fearless defender of state rights, and a true patriot.

Resolved, That, in common with others, the people of Arkansas owe much to the present postmaster-general, Aaron V. Brown, for his devotion to our interests, his regard for our state, and that we have an abiding confidence in his ability and integrity as a man and as a statesman.

Said resolutions were read, and, on motion of Mr. Redmond, five hundred copies were ordered to be printed.

Mr. Trimble, from the committee on enrollments, made the following

REPORT:

Mr. PRESIDENT—

The committee on enrollment did, on the 29th ult., hand to the governor, for his approval, House bill No. 82.

Also, House bill No. 102, entitled an act to pay the judge of Drew county a regular salary.

Also, House bill No. 78, entitled an act to revive and put in force an act to incorporate the town of Dover, in Pope county, approved 31st December, 1858; and have instructed me to report the same.

J. S. TRIMBLE,
Chairman.

Which report was read and received.

Mr. Gaines from the committee on the judiciary, made the following

REPORT:

Mr. President—

The committee on the judiciary to whom was referred Senate bill No. 5, have considered the same, and recommend its rejection.

GAINES,
Chairman.

Which report was read and adopted, and said Senate bill No. 5, to be entitled an act to regulate the practice and more particularly define the mode of punishment for all misdemeanors less than felonies, was thereby rejected.

Mr. Gaines, further from said committee, made the following

REPORT:

Mr. President—

The judiciary committee, to whom was referred Senate bill No. 41, have considered the same, and report it back, recommending its rejection.

GAINES,
Chairman.

Which was read, and, on motion of Mr. Rosson, adopted; and said Senate bill No. 41, to be entitled an act to suppress and prevent litigation, and to establish and create courts of reconciliation within this state, was thereby rejected.

Mr. Gaines, further from said committee, made the following

REPORT:

Mr. President—

The judiciary committee, to whom was referred Senate bill No. 62, have duly considered the same, and have instructed me to report the same back, and recommend its rejection.

GAINES,
Chairman.

Which report was read, and, on motion of Mr. Watkins, adopted, and said Senate bill No. 62, to be entitled an act to change the venue of the probate of the will of Junius W. Craig, was thereby rejected.

Mr. Gaines further, from said committee, made the following

REPORT:

Mr. President—

The judiciary committee, to whom was referred Senate bill No. 65, have considered the same, and recommend its rejection.

GAINES,
Chairman.

Mr. Floyd, from the same committee, presented the following minority

REPORT:

Mr. President—

The undersigned. a minority of the committee on the judiciary, to whom was referred Senate bill No. 65, to be entitled "an act to require parties to endorse their names as liable for costs on bills of indictment, for certain offences less than felony, when they shall make their complaint," would most respectfully submit the following, as the minority report of said committee:

There is nothing more clear to the most casual observer, who has paid the least attention to the workings and operations of the machinery of our courts of judicature, that there are many and great evils existing, which always result to the injury of the many, and perform no substantial good to the few, although there is some seeming wisdom in the idea that long established usages should not be abandoned for light and trivial objections. Yet, notwithstanding, when a long train of abuses and usurpation of the people's rights are subversive of their positive interests, and made apparent and manifest themselves by a demonstration too clear, that make it the duty of those in whom in whom the power rests that they should exercise the proper remedy.

It should be the pleasure of the representatives of the sovereign will, to redress the wrongs which have been submitted to by enacting and putting into force the proper remedy. With respectful deference to the opinion of the majority of the committee on the judiciary, the minority would most earnestly insist on the adoption of the minority report, and put the bill on its passage for the following just reasons:

It is well known, that under the present system, at our circuit courts, there are many officious persons, who, to cover their vindictive feelings of vengeance against their neighbors, will go to the grand juries and have themselves summoned to appear in some case that they seem and pretend to know all about, they thus appear as witnesses ex parte, and make a strong case against their neighbor, with the full knowledge, that should the prosecution fail and their victim escape their vengeance, they will have no cost to pay, and that the county will have to foot the bill, and pay off all cost. And it is well known to be the result, that when such is the case, bills of indictment are gotten up growing out of bad feelings, that in a large majority of those cases, there is a failure to effect a conviction upon the trial, and the inevitable result is, that the county courts have to tax the people in order to provide funds to pay off and discharge the costs. On the other hand, let the bill now before the Senate become the law, and it will be quickly seen that a different result will mark the progress and history of our judicial proceedings in this state. Instead of heavy bills of cost to be paid by the people, they would be relieved of those onerous and heavy grievances which they are now burdened with, and the really guilty would then be punished with more certainty.

It is very often the case that persons reconcile their differences after an indictment has been preferred, and quite a different state of feeling exists before the trial comes on before the circuit court, and experience clearly points out the result. But on the other hand, should the party injured be required to endorse his name as prosecutor, when he appears voluntarily before the grand jury, on the indictment, before a true bill is found, it would result in a more safe and satisfactory manner to the public at large.

Therefore, the undersigned would most respectfully recommend the passage of said bill.

WM. W. FLOYD.

On motion of Mr. Rosson, the report of the majority of the committee was adopted, and said Senate bill No. 65 thereby rejected.

The introduction of bills was in order.

No. 75. Mr. Askew introduced Senate bill, to be entitled an act enabling the county courts of the counties of Union and Calhoun, to reduce the per centum of county taxes.

Which was read the first time.

On motion of Mr. Askew, the rules were twice suspended, the bill read the second time, by title, and the third time and passed.

No. 76. Mr. Stirman introduced Senate bill, to be entitled an act authorizing sheriffs to convey persons arrested for felony to the keeper of the penitentiary for safe keeping.

Which was read the first time.

On motion of Mr. Stirman, the rules were suspended, the bill read the second time, by title, and referred to the committee on the judiciary.

No. 77. Mr. Watkins introduced Senate bill to be entitled an act to repeal in part an act incorporating the town of Carrollton, in the county of Carroll, State of Arkansas.

Which was read the first time.

On motion of Mr. Watkins, the rules were twice suspended, the bill read the second and third times, by title, and passed.

No. 78. Mr. Clark introduced Senate bill, to be entitled an act to aid in the construction of the different railroads in the State of Arkansas.

Which was read the first time.

On motion of Mr. Clark, one hundred copies of the bill was ordered to be printed.

On his further motion, the rules were suspended, the bill read the second time by title, and referred to the committee on internal improvements.

Mr. Stirman was called to the chair.

On motion of Mr. President, House bill No. 160, to be entitled an act to grant an extension of time to make a cut-off on the Arkansas river, in sections 17 and 20, in township 9 south, range 1 west, was taken up and read the first time.

On his further motion, the rules were twice suspended, the bill read the second time, by title, and the third time and passed.

On motion of Mr. Humphreys, House bill No. 48, to be entitled "an act to change the name of Abby Ann Chandler West to Abby Ann Chandler, and to constitute her a legal heir of Elijah Chandler," was taken up and read the first time.

On his further motion, the rules were twice suspended, the bill read the second and third times, by title, and passed.

On motion of Mr. Floyd, the resolution of the House requiring the door-keepers of the two houses to procure the pre-payment of postage on all documents of the state transmitted by the members to their constituents, out of the contingent fund of the respective houses, was taken up and read.

Mr. Floyd moved that the Senate concur in the resolution, on which motion Mr. Humphreys demanded the yeas and nays, and the demand was sustained; but before the roll was called, on motion of Mr. Floyd, a call of the Senate was made, when it appeared that Messrs. Askew and Smithson were absent without leave.

Messrs. Terry and Williams were absent by leave of the Senate.

On motion of Mr. Stirman, leave of absence was given to Mr. Smithson, on account of sickness.

Mr. Askew appeared and a further call of the Senate was dispensed with.

The yeas and nays were then called on the motion to concur in the House resolution and stood:

Yeas—Messrs. Davies, Douglas, Floyd, Gaines, Hammond, Marshall and McCreery—7.

Nays—Messrs. Askew, Carrigan, Clark, Craighead, Hampton, Humphreys, Jones, McColloch, Pennington, Redmond, Rosson, Stirman, Trimble, Watkins and Mr. President—15.

So the motion was lost.

On motion of Mr. Carrigan, House bill No. 74, to be entitled "an act to change the name of John Wolf, of Hempstead county, Arkansas, to the name of John Taylor," was taken up and read the first time.

On the further motion of Mr. Carrigan, the rules were twice suspended, the bill read the second and third times, by title, and passed.

No. 79. Mr. Floyd introduced Senate bill to be entitled an act to authorize the several county courts to examine and cause to be burned, all old scrip and ballots on the files in the respective clerk's offices.

Read the first time.

On motion of Mr. Floyd, the rules were suspended, the bill read the second time, by title, and referred to the committee on the judiciary.

On motion of Mr. Davies, House bill No. 3, to be entitled an act to increase the compensation of the county judges of Green and Searcy counties, was taken up and read the first time.

On his further motion the rules were twice suspended, the bill read the second and third times, by title, and passed.

On motion of Mr. Clark, House bill No. 12, to be entitled an act to exempt Scott county from the operations of a law, approved 15th January, 1857, authorizing the county courts of Jefferson, Scott, Sebastian, Chicot, Hempstead and Randolph, to levy a road tax, was taken up and read the first time.

On the further motion of Mr. Clark, the rules were twice suspended, the bill read the second and third times by title, and passed.

On motion of Mr. Craighead, the Senate adjourned until 10 o'clock to-morrow morning.

THOS. FLETCHER,
President.

THURSDAY, *December* 2, 1858.

The Senate met pursuant to adjournment.

Prayer by the chaplain.

Roll called.

PRESENT—Messrs. Askew, Carrigan, Clark, Craighead, Davies, Douglas, Floyd, Gaines, Hammond, Hampton, Humphreys, Jones, Marshall, McCreery, McColloch, Redmond, Rosson, Stirman, Trimble, Watkins and Mr. President—21.

On motion of Mr. Watkins, leave of absence was granted to Mr. Pennington on account of sickness.

The journal of yesterday was read, approved and signed.

Petition and memorials being in order, Mr. Hammond presented the petition of Henry Jacobi, of Little Rock, Arkansas, representing that he was the lowest bidder for the binding of the new Digest of Arkansas; that he had bound 3,500 volumes of said Digest, at the rate of 90 cents per volume; that he was deceived in the size of said volume of the Digest, and that he had lost in consequence thereof, the amount of $917, which he prayed the General Assembly to appropriate to him out of the proper fund in the state treasury.

Which petition was read; and, on motion of Mr. Hammond, referred to the committee on public printing.

Motions and resolutions were in order.

On motion of Mr. Stirman, the Senate reconsidered the vote of yesterday on the motion to concur in House resolution requiring the doorkeepers to procure the prepayment of postage, out of the contingent fund of the respective houses, on all the documents of the state, transmitted by the members to their constituents.

After some discussion, Mr. Floyd moved to concur in the resolution; on which motion Mr. Rosson demanded the yeas and nays, and the demand being sustained the roll was called:

YEAS—Messrs. Clark, Davies, Douglas, Floyd, Gaines, Hammond, Marshall, McCreery, McColloch and Stirman—10

NAYS—Messrs. Askew, Carrigan, Craighead, Hampton, Humphreys, Jones, Redmond, Rosson, Trimble, Watkins and Mr. President—11.

So the motion to concur in the resolution was lost.

The following message was received from the House of Representatives by their clerk:

Mr. PRESIDENT—

I am instructed to inform your honorable body. that the House of Representatives have adopted a resolution to raise a joint select committee to consist of three on the part of the House, and two of the Senate, to inquire into the transactions of the state land agents now in office, in relation to receiving specie, and substituting therefor scrip instead of the specie, etc.

Said committee on the part of the House, consists of Messrs. Fitzpatrick, Griffin and Anderson, of Phillips.

The resolution is herewith transmitted for the concurrence of your honorable body, which is respectfully asked.

The House of Representatives have passed the following bills, to-wit:

House bill No. 120, entitled an act to prohibit fire hunting after night in Ouachita county, and for other purposes.

Engrossed House bill No. 124, to be entitled an act to require the internal improvement commissioners of Lafayette, Polk, Pike, Sevier, Johnson, Phillips, Carroll, Jackson, Randolph, Monroe, Van Buren, Benton, Newton, Montgomery, White Prairie and Hempstead counties. to loan the internal improvement fund in sums not to exceed one hundred dollars to any one person.

House bill No. 164, to be entitled an act to authorize Hopson O. Gentry, of Sevier county, Arkansas, to convey dower in certain lands.

House bill No. 168, to be entitled an act to incorporate the Van Buren Female Academy.

House bill No. 169, to be entitled an act to change the name of Amelia Elizabeth Taylor to that of Bettie Watts, and to constitute her the legal heir of Presley Watts.

House bill No. 174, to be entitled an act amendatory of an act passed by the General Assembly of the State of Arkansas, approved January 7, 1857, entitled an act to provide for raising and repairing levees in Chicot county.

House bill No. 178, to be entitled an act to constitute certain orphan children lawful heirs of Greenbury Gibbs and Edia Gibbs of Montgomery county.

Said bills are herewith transmitted for the assent of your honorable body, which is respectfully asked.

The House of Representatives have concurred in the Senate amendments to House resolution to go into the election of state land agents on Monday, December 16, and have adopted the following resolution:

Resolved, That the resolution adopted by the House to go into the election of swamp land agents, with the Senate amendment, on Monday next, December 6, be and the same is hereby rescinded, and the Senate is requested to concur herein.

Which is herewith transmitted for the concurrence of your honorable body, which is respecfully asked.

S. M. SCOTT, *Clerk of*
House of Representatives.

On motion of Mr. Floyd, Senate bill No. 8, to be entitled an act to exclude from residing in the State of Arkansas, all free colored persons, mulattoes and negroes, of the African race, and for other purposes, in pursuance of previous order was taken up and read, when Mr. Gaines offered a substitute to be entitled an act to exclude all free persons of color, mulattoes and negroes of the African race, from residing in the State of Arkansas, and for other purposes.

Which was read the first time.

On motion of Mr. Hammond said substitute was read the second time by title; and, on the further motion of Mr. Hammond, the Senate resolved itself into a committee of the whole, to consider of said Senate bill No. 8, and the proposed substitute—Mr. Rosson taking the chair.

After some time spent in deliberation, the committee arose and through the chairman, Mr. Rosson, reported progress, but not having finished, asked leave to set again on Saturday next, at 10 o'clock a. m.

Which report was adopted and the leave granted.

On motion of Mr. Rosson, the Senate then adjourned until 9 o'clock to-morrow morning.

THOS. FLETCHER,
President.

FRIDAY, *December* 3, 1858.

The Senate met pursuant to adjournment.

Prayer by the chaplain.

The roll was called, and the following Senators answered to their names:

PRESENT—Messrs. Askew, Carrigan, Clark, Craighead, Davies, Douglas, Floyd, Gaines, Hammond, Hampton, Humphreys, Jones, Marshall, McCreery, McColloch, Redmond, Rosson, Stirman, Trimble, Watkins and Mr. President—21.

The journal of yesterday was read, approved and signed.

Motions and resolutions were in order.

Mr. Floyd offered the following

RESOLUTION:

Resolved, That the doorkeeper of the Senate be allowed the same per diem pay that the doorkeeper of the House receives, to-wit: the sum of four dollars per diem for his services, and the further sum of two dollars per diem to pay for assistance.

Which was read, and on motion of Mr. Gaines, adopted.

Mr. Trimble offered Senate joint resolution, No. 22, to-wit:

Be it resolved by the General Assembly of the State of Arkansas, That our Senators in Congress are hereby instructed, and our Representatives requested to use their influence with the postmaster general to establish a tri-weekly one-horse mail from Jacksonport, in Jackson county, via Oil Trough, Pleasant Plains, through Pine Grove neighborhood, to Wolf Bayou post office, in Independence county.

Which was read, and on motion of Mr. Trimble, adopted.

On motion of Mr. Floyd, the name of Mr. Hammond was added to the committee on public printing.

On motion of Mr. Clark, the name of Mr. Watkins was added to the committee on apportionment.

On motion of Mr. Floyd, the resolution of the House proposing to rescind the joint resolution, as amended by the Senate, to go into the election of state land agents, on Monday, 6th of December, was taken up and read, when Mr. Clark moved that the Senate concur therein, on which motion Mr. Marshall demanded the yeas and nays, and the demand being sustained the roll was called:

YEAS—Messrs. Askew, Clark, Craighead, Davies, Douglas, Gaines, Hammond, Hampton, Marshall, McCreery, McColloch, Redmond, Stirman, Trimble and Mr. President—15.

NAYS—Messrs. Floyd, Humphreys, Jones, Rosson and Watkins—5.

So the rescinding resolution of the House was concurred in.

The following message was received from the House of Representatives, by their clerk:

Mr. PRESIDENT—

I am instructed to inform your honorable body that the House of Representatives have passed House bill No. 188, entitled an act to amend an act to incorporate the town of Pocahontas, in Randolph county, State of Arkansas, approved January 15, 1857.

Also, House bill No. 189, entitled an act for the relief of Searcy county, Arkansas.

Also, House bill No. 194, entitled an act to change the time of holding the probate court in Washington county.

Also, an act to authorize the clerks of the counties of Izard and Carroll, to burn certain election returns and canceled county scrip, in their respective offices.

Said bills are herewith transmitted for the assent of your honorable body, which is respectfully asked.

S. M. SCOTT, *Clerk of*
House of Representatives.

On motion of Mr. Floyd, the resolution of the House to raise a joint select committee to inquire into the conduct of the state land agents, in substituting scrip for specie and reporting land as sold for swamp land scrip, when specie was received for entries, was taken up and concurred in.

Committee appointed on the part of the Senate, Messrs. Floyd and Watkins.

Mr. Davies offered the following

RESOLUTION:

Resolved, That both houses of the General Assembly of the State of Arkansas, go into the election of swamp land agents, on the 20th day of December, 1858.

Which was read, when Mr. Floyd moved its adoption, but the motion was lost.

Reports from standing committees were in order.

Mr. Clark, from the committee on the landed interests of this state, made the following

REPORT:

Mr. President—

The joint committee on the landed interests of the state, having further considered of said interests, beg leave further to report:

That the board of swamp land commissioners, created by the act of the General Assembly, approved January 6, 1851, were required and fully empowered to fix the price of swamp and overflowed lands, and, in discharge of their duty, by an ordinance of said board, adopted October 14, 1851, divided said lands into two classes; the first class valued at seventy-five cents an acre, and the second class, valued at fifty cents an acre; the first class being those situated within six miles of certain navigable streams, and, in the last section of said ordinance, used the following language, to-wit:

" *And be it further ordained*, That the following named streams, running through and bordering upon this state, are hereby declared navigable streams, as coming within the purview of this order, viz: Mississippi, St. Francis, White, Arkansas, Bartholomew, Saline, Ouachita, Little river, Little Missouri, Petit Jean, Cache, Spring, Red and Black rivers."

It is obvious that the commissioners had the right to fix the price of lands at 75 cents, within six miles of any town, or mountain, or road. The use of the term, " navigable stream," has led to some confusion, although the commissioners expressly declare, that certain named streams are considered navigable, within the purview of the ordinance. The solicitor-general of this state, in an elaborate opinion, given in February, 1857, says that the actual navigableness of the stream is not to be considered, but that lands within six miles of those streams, from their sources to their mouths, within this state, were first class. The commissioners took the same view of the subject, and invariably sold such lands as first class, but the agents afterwards elected, sold many of these lands at fifty cents per acre, notwithstanding the custom, rule, and law were all to the contrary. Several hundred thousand acres were so sold by the agents, and the parties now ask that these erroneous sales shall be confirmed. And they contend for this on two grounds: First, that the state is bound by the action of her agents. Second, that, if the price of seventy-five cents had been demanded, they would not have purchased. The first argument is one that is easily answered. The agent has his duties pointed out by law, and when he keeps within them, the state is bound by his acts, but when he transcends them, she is not liable. If a power of attorney is given to an individual, with authority to sell a tract of land at a price fixed, or at not less than a certain fixed price, and he sells it for less than that price, the acts of the attorney are not binding on the principal. But the rule is fully settled in the action of the United States land office. There, if a piece of land is sold for less than the price fixed, the party is notified to make the additional payment, and failing in that, the entry is canceled and set aside.

The second argument is easily answered by allowing the parties to relinquish the lands, and to have their money or scrip refunded to them. But if these men are allowed to hold these lands at 50 cents an acre, the state will be bound to let others, who have entered contiguous lands, have them at the same price. It would be unfair and unjust to sell lands to one at one price, and to another at a higher price. Speculators, principally non-residents, who entered thousands of acres at one time, will be benefitted. Actual settlers, pre-emptors and residents, who early secured their homes, and purchased from the commissioners, paid seventy-five cents an acre, and if we allow these wealthy speculators to retain first class lands at 50 cents an acre, we are bound in equity and good conscience to refund to these poor men 25 cents an acre on each acre purchased by them. To cover this, it will take from the swamp land fund, at least $135,000.

Speculators bought scrip, in many cases, at 30 cents on the dollar, and located these lands at 50 cents an acre, making it cost them, in reality, only fifteen cents an acre. Some of these may have paid the maximum price, when it cost them 37½ cents. Now, if we refund 25 cents an acre to them, we are virtually selling them lands at 12½ cents an acre, worth, on an average, $10 per acre. Holding these views, your committee believe that the parties who bought first class lands as second class, should be required to pay the difference, in a given time, and failing in this, the entry should be canceled, and the party have his scrip refunded. To carry out their views, your committee have drawn up and submit a bill, to be entitled "an act to enable purchasers of certain swamp lands to obtain deeds from the state, and for other purposes."

The supreme court of this state, in the case of *The State of Arkansas vs. The County Court of Crittenden County*, has decided as follows, in regard to the taxation of *swamp and overflowed land:*

1st. That the swamp and overflowed lands sold by the state under the provisions of the act of 6th January, 1851, while the 14th section thereof was in force, are, by contract between the state and the purchasers, exempt from taxation.

2d. That the period of exemption begins at the date of the purchase from the state, and continues for ten years, if the lands are not sooner reclaimed; and, if they are, ceases upon their reclamation, and in no event contiues longer than ten years, no matter whether reclaimed or not.

3d. Whenever any of the levees and drains, provided for by the act, were completed, the lands intended to be protected or drained thereby were, within the meaning of the law, reclaimed.

4th. That the lands cannot be taxed until after the expiration of the period of exemption, and so much of the act of 11th January, 1855, as provides that they shall be, is repugnant to the constitution of the United States, and void.

This decision of the supreme court is greatly misunderstood, not only by non-residents, but by the people of our own state. It is supposed that all of such lands entered prior to the 11th of January, 1855, are exempted from taxation, but this is not the case. The second point in the decision is to the effect that the lands become subject to taxation whenever reclaimed. The third point refers to the act of January 6, 1851, and decides that when the levees and drains, contemplated by said act, are completed, the lands are reclaimed within the meaning of the law. It is to be regretted that the decision on this point is so vague and unsatisfactory. In point of fact, thousands of acres are reclaimed by the mere clearing of the lands, and whole districts of country have been drained and leveed as contemplated by the act, years ago. The difficulty is in determining what drains and levees were contemplated by said act, and when they were built. If the decision had been what it is erroneously supposed by many to be, that lands entered prior to January 11th, 1855, are all exempted, it would be a very easy matter to distinguish these lands, but the decision says those lands actually reclaimed, and those reclaimed in point of law or by constructive operation of law, are subject to taxation. Of the 2300,000 acres, sold prior to January 11, 1855, no doubt if the truth could be ascertained, but a very small portion are exempted under this decision. If all these lands are permitted to go untaxed, the state loses, yearly, seven thousand dollars; but if there was any means whereby the lands, not actually and constructively reclaimed, conld be ascertained, your committee apprehend that the loss to the state would not exceed two thousand dollars a year. Thousands of acres entered before the act of 1853, are subject to taxation, but whose owners claim exemption. Before the decision of the supreme court was made, a great many persons paid taxes on these lands, and are now applying to have their taxes refunded. If these taxes were erroneously paid, they should, in justice, be refunded to them, but the officer auditing the account should be required to be fully satisfied that the lands were really entered before the 11th of January, 1855, and that they have not been reclaimed, or were not constructively reclaimed by the levees and drains contemplated by the act of January 6, 1851. To provide for refunding on all, will take out of the treasury $50,000. To provide for these cases, to do justice to the state and the owners of these lands, the committee have prepared, and submit a bill to be entitled "an act concerning the revenue arising from the taxation of swamp lands."

When lands are newly confirmed to the state, they are advertised and offered for sale to the highest bidder. At some of these public sales, speculators in attendance bid on the tracts offered, and run them up to prices beyond the means of poor men to purchase. Non-resident land hunters, desiring to acquire lands for purposes of speculation, would overbid the resident, who very often was a settler, or who desired to purchase a home. At the close of the sale, when the land had been cried off to the specular at, say ten dollars an acre, and the competitors had returned home, he refused to take the land at the price he had bid therefor. This being the case, the agent had no other recourse but to offer the land again, when, there being no competition, the speculator bought it again, but at fifty or seventy-five cents an acre. The remedy for this is for the agent to require each tract of land sold at public sale to be paid for at once, before another is offered, but there appears to be some doubt as to whether he can legally require this, as it is said that he must wait to see if the purchaser buys more land in the same township, so as to embrace it all in one certificate. Something should be done to put a stop to these rascally proceedings on the part of speculators, and to make them liable. Two plans have been suggested—one to issue separate certificates for each tract sold, and require the purchaser at once to close the transaction, and this seems proper at public sales, for the lands are sold at different prices and offered in distinct and separate tracts. As the offending parties are usually non-residents, who have no property in the state, or who cannot be reached by ordinary process, it might be well to adopt the other plan proposed, and give the agent power to proceed against the parties by attachment or summary process.

All of which is respectfully submitted,

GREEN J. CLARK, *Chairman*
on part of the Senate.
W. Y. McCAMMON, *Chairman*
on part of the House.

No. 80. *A bill to be entitled An act concerning the revenue arising from the taxation of swamp and overflowed lands.*

Section 1. *Be it enacted by the General Assembly of the State of Arkansas,* That it shall be lawful for the auditor of public accounts, of the State of Arkansas, to draw a warrant on the treasurer in favor of any person, or his legal representative, who shall have paid, or caused to be paid into the state treasury any taxes on lands sold by the state as swamp and overflowed lands, prior to the 11th day of January, 1855, and which were not reclaimed in reality, or within the meaning of the law, as decided by the supreme court of this state; at the time they were assessed for taxation; *Provided*, That before auditing any account, or drawing any warrant thereon, the auditor shall be satisfied, from the records of his office, that said lands were entered or located, prior to the 11th of January, 1855, and shall require the party claimant to prove by two disinterested witnesses, that at the time the land was assessed, it was not reclaimed in fact, or constructively, by the completion of the levees and drains provided for by the act of the General Assembly, approved January 6th, 1851, and that the same was not embraced in, nor did it form any part or parcel of the land included or embraced in any contract to levy, drain, or otherwise reclaim any of the swamp and overflowed lands.

SEC. 2. That to pay all warrants which shall be issued under the provisions of this act, a sufficient amount of money is hereby appropriated out of any money in, or which may be in the treasury, not otherwise appropriated.

SEC. 3. Where any collector of revenue has been enjoined by injunction, issued from any courts of this state from collecting any taxes on swamp lands, and has not received a credit for the amount of state tax he was so enjoined from collecting, upon his filing with the auditor an affidavit, to the effect that he has not collected the amount of any part of the amount so enjoined, the auditor shall enter a credit to the account of said collector for the proper amount of uncollected taxes or lands entered prior to January 11th, 1855.

SEC. 4. This act shall take effect from its passage.

No. 81. *A bill to be entitled An act to enable purchasers of certain swamp lands to obtain deeds from the state, and for other purposes.*

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas*, That all persons who bought swamp and overflowed lands lying within six miles of the streams mentioned in the ordinance of the board of swamp land commissioners, made and promulgated on the second day of September, 1851, at a less price than that fixed by ordinance and law, shall, before he, she, or their assignee shall obtain a deed therefor, from the state, pay to the proper agent a sum sufficient to bring it up to the legal price, and the auditor shall instruct the land agents of the different districts, to give public notice by publication in some newspaper, to these persons who have not paid in full for lands purchased, to come forward and complete payment therefor, within six months from the date of said notice, or failing in that the entry will be canceled and the lands again offered for sale, and the auditor, after the expiration of the time given, to perfect the entry, shall cancel the entry, and shall, from time to time, order and direct the land agent to resell the the lands, assimilating to the plan pursued in reoffering lands by the registers of the U. S. land offices; and said parties who may neglect, refuse, or prefer not to make the additional payment, may demand and receive from the proper land agent a refunding certificate for the amount paid, on which, if satisfied that it is correctly issued, the auditor shall draw his warrant upon the treasurer for the amount of the scrip or money, so erroneously paid into the treasury, payable out of the swamp land fund of the proper district. Upon the additional payment being made, the agent shall indorse a receipt therefor on the certificate of sale, and on said certificate a deed may be made, as now provided for by law, and this act shall be in force from its passage.

Said two bills were read the first time and one hundred copies of each, with the report, ordered to be printed.

On motion of Mr. Clark, the rules were suspended and the bills read the second time, by title, and referred to the committee on swamp and overflowed lands.

No. 82. Mr. Hampton introduced Senate bill to be entitled an act to retrocede to the counties of Bradley and Union, the overflowed territory below the mouth of the Moro creek.

Which was read the first time.

On motion of Mr. Hampton, the rules were suspended, the bill read the second time, by title, and referred to the committee on counties and county lines.

No. 83. Mr. McColloch introduced Senate bill, to be entitled an act to aid in the construction of the several railroads in Arkansas.

Which was read the first time, by title.

On motion of Mr. Floyd, two hundred copies of the same were ordered to be printed, and

On motion of Mr. Clark, the rules were suspended the bill read the second time by title and referred to the committee on internal improvements.

No. 84. Mr. Douglas introduced Senate bill, to be entited an act explanatory of the twenty-third section of chapter sixty-second of the Digest, under the head of "elections."

Which was read the first time.

On motion of Mr. Douglas, the rules were suspended, the bill read the second time by title, and referred to the committee on elections.

On motion of Mr. Floyd, the Senate resumed the consideration of the resolution touching the reopening of the African slave trade.

Mr. Askew being entitled to the floor, on the motion to reconsider the vote indefinitely, postponing said resolution, arose and spake at some length in favor of the motion to reconsider, after which Mr. Humphreys spoke against and Mr. Floyd for the motion, and at the conclusion of the discussion, Mr. Humphreys demanded the yeas and nays on the motion to reconsider, which demand was sustained and the roll called.

Yeas—Messrs. Askew, Carrigan, Clark, Floyd, Gaines, Hammond, Redmond, Rosson, Stirman and Trimble—10.

Nays—Messrs. Craighead, Davies, Douglas, Hampton, Humphreys, Marshall, McCreery, McColloch, Watkins and Mr. President—10.

So the motion to reconsider was lost.

On motion of Mr. Gaines, the Senate adjourned until 10 o'clock to-morrow morning.

THOS. FLETCHER,
President.

* * *

Saturday, *December* 4, 1858.

The Senate met pursuant to adjournment.

Prayer by the chaplain.

The roll was called, when the following senators answered to their names:

Messrs. Askew, Carrigan, Clark, Craighead, Davies, Douglas, Floyd, Gaines, Hammond, Hampton, Humphreys, Marshall, McCreery, McColloch, Redmond, Rosson, Stirman, Trimble, Watkins and Mr. President—20.

The journal of yesterday, except the report of the committee on the landed interests of the state, the reading of which, was, on motion of Mr. Floyd, dispensed with, was read, approved and signed.

Mr. Redmond arose and announced the death of Hon. Bryan H. Smithson, a member of the Senate, and after submitting some appropriate remarks, touching the life and character of the deceased, offered the following resolutions, to-wit:

Resolved by the General Assembly of the State of Arkansas, That the members of this assembly have heard with profound sensibility, of the death of General Bryan H. Smithson, senator from the county of Washington.

Resolved, That the deceased was widely known for those attributes which constitute a generous, courageous and high-minded man, and his decease may well be regarded as a loss to the state of one who, in various capacities, had served her long, faithfully and well.

Resolved, That we tender to the family of the deceased our heartfelt sympathies and in token of that sympathy and in respect for his memory the members of this General Assembly will wear the usual badge of mourning for thirty days.

Resolved, That a committee of three be appointed on the part of the Senate, to act with a like committee on the part of the House to carry into effect the wishes of the deceased in regard to the disposition of his remains and to take steps to pay him proper funeral respects.

Resolved, That as a further mark of respect, we now adjourn.

Which resolutions were read, and on motion of Mr. Floyd adopted, and

Thereupon, Mr. President appointed Messrs. Floyd, Rosson and Clark, the committee on the part of the Senate under said resolutions.

On motion of Mr. Stirman, the secretary of the Senate was instructed to transmit the resolutions just adopted, to the House forthwith.

On motion of Mr. Floyd, the Senate took a recess of fifteen minutes.

10½ o'clock, A. M.

The Senate met.

The following message was received from the House of Representatives, by their clerk:

Mr. President—

I am instructed to inform your honorable body that the House of Representatives have concurred in Senate resolutions, concerning the death of Gen. B. H. Smithson.

The committee on the part of the House, to act with Senate committee, consist of Messrs. Wilson, Newton, Bunch, Neal and Doak.

S. M. SCOTT, *Clerk of*
House of Representatives.

On motion of Mr. Floyd, the Senate again took a recess.

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11 o'clock, A. M.

Senate convened.

Mr. Floyd, from the joint select committee, appointed to make arrangements for the funeral of the Hon. B. H. Smithson, made the following report:

Mr. President—

The joint select committee of both houses of the General Assembly, appointed to make suitable arrangements for the funeral of the Hon. B. H. Smithson, senator from Washington county, have determined that the funeral of the deceased be preached by the chaplain of the Senate, in the Senate chamber, at 11 o'clock, A. M., on to-morrow morning, and that the House of Representatives be invited to attend the same.

That the remains of the deceased be conveyed to his residence in Washington county, and that a committee of one of the Senate, and two on the part of the House of Representatives, be requested to accompany the remains to his residence, and that such committee consist of the Hon. M. Douglas, on the part of the Senate, and the Hon. Thomas Wilson and Hon. William T. Neal, on the part of the House of Representatives. That the two houses of the General Assembly form a procession, and proceed from the state-house to the residence of Judge Owen, on Scott street, where the remains of the deceased are, and from thence proceed with the remains to the landing, in the following order:

1st. Band in front.

1d. Hearse and pall-bearers.

3d. Relatives of the deceased.

4th. Members of the Senate, preceded by the President and other officers of the Senate.

5th. The members of the House of Representatives, preceded by the speaker and other officers.

6th. Federal and state officers.

7th. Citizens and strangers.

Marshal on the part of the Senate, Hon. F. P. Redmond.

Marshal on the part of the House, Hon. S. M. Hays.

Pall-bearers on the part of the Senate, Hon. J. F. Davies, Hon. W. W. Watkins, Hon. Wm. B. Marshall and Hon. Joseph B. McColloch.

Pall-bearers on the part of the House, Hon. Bradley Bunch, Hon. B. T. Duval, Hon. J. P. Johnson, Hon. R. E. Doak, Hon. Thomas Bateman and Hon. Samuel Farmer.

WM. W. FLOYD, *Chairman*
on the part of the Senate.
THOS. WILSON, *Chairman*
on the part of the House.

Which report was read and adopted.

On motion of Mr. Floyd, the secretary was instructed to have two hundred copies of said report and the resolutions relative to Hon. B. H. Smithson's death printed.

On the further motion of Mr. Floyd, indefinite leave of absence was granted to Mr. Douglas.

On motion of Mr. Rosson, the Senate adjourned until 9 o'clock Monday morning.

THOS. FLETCHER,
President.

* * *

MONDAY, *December* 6, 1858.

The Senate met pursuant to adjournment.

Prayer by the chaplain.

The roll was called, and the following senators were

PRESENT—Messrs. Carrigan, Clark, Craighead, Davies, Floyd, Gaines, Hammond, Hampton, Humphreys, Marshall, McCreery, McColloch, Pennington, Redmond, Rosson, Stirman, Trimble, Watkins and Mr. President—20.

On motton of Mr. Watkins, leave of absence was granted to Mr. Jones, on account of sickness.

The journal of Saturday was read, approved and signed.

Petitions from counties were in order.

Mr. Floyd presented the petition of one hundred and forty citizens of Johnson county, living south of the Arkansas river, representing that they labor under many inconveniences in consequence of the county seat of their county being located on the opposite side of the river; and praying the General Assembly to create a new county out of portions of the counties of Johnson, Yell, Scott and Franklin, but if it cannot be done, to amend the constitution of the State of Arkansas, so "that no county shall have less than six hundred square miles."

Which petition was read, and on motion of Mr. Floyd, referred to the committee on counties and county lines.

Mr. McColloch presented the petition of the Grand Temple of Honor and Temperance of the State of Arkansas, praying the General Assembly to pass an act to incorporate the Grand and Subordinate Temples of Honor and Temperance, in the State of Arkansas.

No. 85. Which petition was accompanied by Senate bill to be entitled "an act to incorporate the Grand and Subordinate Temples of Honor and Temperance, in the State of Arkansas."

Which was read the first time.

On motion of Mr. McColloch, the rules were suspended, the bill read the second time by title; and referred to the committee on the judiciary.

Reports from standing committees were in order.

Mr. Floyd, from the committee on banks, made the following

REPORT:

Mr. President—

The standing committee on banks, to whom was referred Senate bill No. 43, to be entitled an act to create a sinking fund for the ultimate redemption of the state bonds, have had the same under consideration, and have instructed me to report the same back to the Senate and recommend its passage, with the following amendment to the first section, at the end thereof: and the sum of three hundred thousand dollars be, and the same is hereby appropriated out of any money in the treasury not otherwise appropriated for the ordinary expenses of the state government, to carry into effect the provisions and intention of this act.

FLOYD,
Chairman.

Which report was read and received; and on motion of Mr. Hammond, ordered to lay upon the table until to-morrow, when he would offer a minority report.

Mr. Gaines, from the committee on the judiciary, made the following

REPORT:

Mr. President—

The judiciary committee, to whom was referred Senate bill No. 72, have had the same under consideration, and have adopted an amendment thereto, and with said amendment recommend its passage.

GAINES,
Chairman.

The following is the amendment proposed by the committee: Strike out section 4, and insert the following,

"That if any owner or occupant of any mill shall charge any greater amount of toll for grinding than that established by the county court, he shall be subject to all the pains and penalties prescribed by existing laws."

On motion of Mr. Hampton, the amendment was adopted; and on motion of Mr. Floyd, the bill was read the third time, as amended, and passed.

Mr. Gaines, from the committee on the judiciary, made the following

REPORT:

Mr. President—

The committee on the judiciary, to whom was referred House bill No. 77, have had the same under consideration, and with the following amendments, have instructed me to report the same back and recommend its passage.

GAINES,
Chairman.

AMENDMENTS.

1st. Add to the end of section 26, "but in serving writs of summons and original process in civil cases, he shall be confined to the corporate limits of said town."

2d. Strike out of sections 33 and 34, and insert "The town council shall have power to levy a tax on licenses, on taverns, groceries, dram-shops, ten-pin alleys, billiard tables, circuses, shows, and exhibitions of all kinds, and upon peddlers and hawkers, and auctioneers, etc., and may prevent, by ordinance, all and every species of gaming within the limits of said corporation."

On motion of Mr. Floyd, the amendments were adopted, and on his further motion, the bill as amended, was read the third time and passed.

The following message was received from the House of Representatives by the clerk:

Mr. PRESIDENT—

I am instructed to inform your honorable body that the House of Representatives have assented to Senate bill No. 66, entitled "an act to incorporate the Fayetteville Female Institute."

Said bill is herewith returned.

The House of Representatives have passed House bill No. 11, to be entitled "an act to fix the pay of jurors."

Also, House bill No. 20, to be entitled "an act to relieve certain purchasers of state lands."

Also, House bill No. 43, to be entitled "an act to change the time of holding the probate court of Saline county."

Also, House bill No. 94, to be entitled "an act to amend chapter 79 Gould's Digest.

Also, House bill No. 131, to be entitled "an act to increase the salary of governor of Arkansas."

Also, House bill No. 173, to be entitled "an act to amend section 11, of chapter 128, of Gould's Digest of the Statutes of Arkansas."

All of which bills are herewith transmitted for the assent of your honorable body, which is respectfully asked.

The House of Representatives have assented to Senate bill No. 3, entitled "an act to distribute the new Digest of the Statutes of the State of Arkansas," with several amendments thereto, in which the concurrence of your honorable body is respectfully asked.

Said bill and amendments are herewith returned.

S. M. SCOTT, *Clerk of*
House of Representatives.

Mr. Trimble from the committee on enrollments, made the following

REPORT:

Mr. President—

The committee on enrollments have examined House bill No. 3.

Also, House bill No. 12, to exempt Scott county from certain laws.

Also, House bill No. 48, entitled an act to change the name of Abby Ann Chandler to that of Abby Ann Chandler West.

Also, House bill No. 74, entitled an act to change the name of John Wolf to that of John Taylor.

Also, House bill No. 160, entitled an act to grant an extension of time to make a cut-off on the Arkansas river.

Also, House joint resolution No. 4, concerning the overland mail and Pacific railroad.

Also, House joint resolution No. 26, asking an increase of service on mail route No. 7,807, and have instructed me to report the same correctly enrolled.

J. S. TRIMBLE,
Chairman.

Which report was read and received.

On motion of Mr. Clark, House joint resolution No. 12, relative to a modification of the act of Congress regulating trade and intercourse with the Indian tribes, was taken up and read, and on his motion, concurred in.

On motion of Mr. Floyd, the Senate, pursuant to order, resolved itself into the committee of the whole, to take into consideration of Senate bill No. 8, to be entitled an act to exclude from residing in the state of Arkansas, all free colored persons, mulattoes and negroes of the African race, and for other purposes.

Mr. Rosson taking the chair.

After some time spent in deliberation, the committee arose, and through their chairman, report progress, and asked leave to sit again on to-morrow, at 10 o'clock, a. m.

Which report was, on motion of Mr. Hammond, adopted, and the leave to sit again granted.

On motion of Mr. Gaines, the Senate took a recess.

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11 O'CLOCK, A. M.

The Senate convened.

The following message was received from the House of Representatives, by their clerk:

Mr. PRESIDENT—

I am instructed to inform your honorable body that the House of Representatives is now ready to receive your honorable body in their hall for the purpose of going into a joint convention to elect an associate judge of the supreme court, to fill the vacancy occasioned by the resignation of the Hon. T. B. Hanly.

S. M. SCOTT, *Clerk of*
House of Representatives.

On motion of Mr. Rosson, the Senate repaired to the House of Representatives, and being there seated, the President announced the object of the convention of the two houses, and stated that nominations for the election of an associate justice of the supreme court, to fill the vacancy occasioned by the resignation of Hon. T. B. Hanly, were in order, and thereupon,

Mr. Humphreys nominated Hon. Felix I. Batson.

Mr. Johnson of Desha, in the House, nominated Hon. John Quillin.

Mr. Bateman, of the House, nominated Hon. Isaac Murphy.

Mr. Hampton nominated F. W. Compton, Esq.

Mr. Newton, of the House, nominated Hon. Thomas Johnson.

Mr. Garland, of the House, nominated Luke E. Barber, Esq.

Mr. Reynolds, of the House, nominated Hon. B. C. Totten.

No other nominations being made, the rolls were called, when it appeared that on joint ballot the vote stood as follows:

Mr. Batson, 22.
Mr. Quillin, 16.
Mr. Murphy, 4.
Mr. Compton, 9.
Mr. Johnson, 20.
Mr. Barber, 11.
Mr. Totten, 6.

Those Senators who voted for Batson, are
Messrs. Clark, Humphreys and Watkins—3.

Those voting for Mr. Quillin, are
Messrs. Floyd and Redmond—2.

Those voting for Mr. Compton, are
Messrs. Gaines, Hampton, McColloch, Pennington and Mr. President—5.

Those voting for Mr. Johnson, are
Messrs. Hammond, Marshall, Stirman and Trimble—4.

Those voting for Mr. Barber, are
Messrs. Askew, Carrigan and Rosson—3.

Those voting for Mr. Totten, are
Messrs. Craighead, Davies and McCreery—3.

No Senator voted for Mr. Murphy.

Neither of the gentlemen nominated having received a majority of all the votes cast, the President announced that there was no choice made, and that the convention would proceed to ballot a second time.

Mr. Bateman of the House, withdrew the name of Mr. Murphy.

The rolls were called, when it appeared that the joint vote stood as follows:

Mr. Batson, 24.
Mr. Quillin, 18.
Mr. Compton, 9.
Mr. Johnson, 22.
Mr. Barber, 11.
Mr. Totten, 4.

Those Senators who voted for Mr. Batson, are

Messrs. Clark, Humphreys and Watkins—3.

Those voting for Mr. Quillin, are

Messrs. Floyd, Redmond and Stirman—3.

Those voting for Mr. Compton, are

Messrs. Gaines, Hampton, McColloch, Pennington and Mr. President—5.

Those voting for Mr. Johnson, are

Messrs. Davies, Hammond, Marshall and Trimble—4.

Those voting for Mr. Barber, are

Messrs. Askew, Carrigan, Craighead and Rosson—4.

Mr. McCreery voted for Mr. Totton—1.

Neither of the gentlemen voted for having received a majority of all the votes given, the President announced that there was no election, and that the convention would proceed to ballot a third time.

Mr. Reynolds of the House, withdrew the name of Mr. Totten.

The rolls were then called, when the joint vote stood as follows:

Mr. Batson, 27.
Mr. Quillin, 20.
Mr. Compton, 6.
Mr. Johnson 20.
Mr. Barber, 15.

Those Senators who voted for Mr. Batson, are

Messrs. Clark, Hammond, Humphreys, McCreery and Watkins—5.

Those voting for Mr. Quillin, are

Messrs. Floyd, Redmond, Stirman and Mr. President—4.

Those voting for Mr. Compton, are

Messrs. Gaines, Hampton, McColloch and Pennington—4.

Those voting for Mr. Johnson, are

Messrs Davies, Marshall and Trimble—3.

Those voting for Mr. Barber, are

Messrs. Askew, Carrigan, Craighead and Rosson—4.

Neither of the gentlemen voted for having received a majority of all the votes given, the President announced that there was no election, and that the convention would proceed to ballot the fourth time.

The rolls were then called, when it appeared that the joint vote stood as follows:

Mr. Batson, 30.
Mr. Quillin, 19.
Mr. Compton, 5.
Mr. Johnson, 19.
Mr. Barber, 15.

Those Senators who voted for Mr. Batson, are

Messrs. Clark, Hammond, Humphreys, McCreery and Watkins—5.

Those voting for Mr. Quillin, are

Messrs. Floyd, Redmond, Stirman and Mr. President—4.

Those voting for Mr. Compton, are

Messrs. Gaines, Hampton and McColloch—3.

Those voting for Mr. Johnson, are

Messrs. Davies, Marshall and Trimble—3.

Those who voted for. Mr. Barber, are

Messrs. Askew, Carrigan, Craighead, Pennington and Rosson—5.

Neither of the gentlemen voted for having received a majority of all the votes given, the President announced that there was no choice, and that the convention would proceed to ballot the fifth time.

The rolls were then called, when the joint vote was found to stand as follows:

Mr. Batson, 34.
Mr. Quillin, 19.
Mr. Compton, 3.
Mr. Johnson, 16.
Mr. Barber, 16.

Those Senators who voted for Mr. Batson, are

Messrs. Clark, Davies, Gaines, Hammond, Humphreys, McCreery, Watkins and Mr. President—8.

Those who voted for Mr. Quillin, are

Messrs. Floyd, McColloch, Redmond and Stirman—4.

Mr. Hampton voted for Mr. Compton—1.

Those who voted for Mr. Johnson, are

Messrs. Marshall and Trimble—2.

Those who voted for Mr. Barber, are

Messrs. Askew, Carrigan, Craighead, Pennington and Rosson—5.

Neither of the gentlemen voted for having received a majority of all the votes given, the President announced that there was no election, and that the convention would proceed to ballot the sixth time.

The rolls were then called, when the joint vote was found to stand as follows:

Mr. Batson, 35.
Mr. Quillin, 19.
Mr. Compton, 5.
Mr. Johnson, 13.
Mr. Barber, 15.

Those Senators who voted for Mr. Batson, are

Messrs. Clark, Davies, Gaines, Hammond, Humphreys, McCreery, Watkins and Mr. President—8.

Those who voted for Mr. Quillin, are

Messrs. Floyd, Redmond and Stirman—3.

Those who voted for Mr. Compton, are

Messrs. Hampton and McColloch—2.

Those who voted for Mr. Johnson, are

Messrs. Marshall and Trimble—2.

Those who voted for Mr. Barber, are

Messrs. Askew, Carrigan, Craighead, Pennington and Rosson—5.

Neither of the gentlemen voted for having received a majority of all the votes given, the President announced that there was no election, and that the convention would proceed to ballot the seventh time.

The rolls were then called, when the joint vote was found to stand as follows:

Mr. Batson, 43.
Mr. Quillin, 21.
Mr. Compton, 4.
Mr. Johnson, 11.
Mr. Barber, 9.

Those Senators who voted for Mr. Batson, are

Messrs. Clark, Craighead, Davies, Gaines, Hammond, Humphreys, McCreery, Watkins and Mr. President—9.

Those who voted for Mr. Quillin, are

Messrs. Floyd, Redmond and Stirman—3.

Those voting for Mr. Compton, are

Messrs. Hampton and McColloch—2.

Those voting for Mr. Johnson, are

Messrs. Marshall and Trimble—2.

Those voting for Mr. Barber, are

Messrs. Askew, Carrigan, Pennington and Rosson—4.

Neither of the candidates having received a majority of all the votes given, the President announced that there was no election, and that the convention would proceed to ballot the eighth time.

Mr. Garland of the House, withdrew the name of Mr. Barber.

The rolls were then called, when the joint vote was found to stand as follows:

Mr. Batson, 51.
Mr. Quillin, 22.
Mr. Compton, 5.
Mr. Johnson, 11.

Those Senators who voted for Mr. Batson, are

Messrs. Askew, Clark, Craighead, Davies, Floyd, Gaines, Hammond, Humphreys, McCreery, Pennington, Rosson, Stirman, Watkins and Mr. President—14.

Mr. Redmond voted for Mr. Quillin—1.

Those voting for Mr. Compton, are

Messrs. Carrigan, Hampton and McColloch—3.

Those voting for Mr. Johnson, are

Messrs. Marshall and Trimble—2.

Mr. Floyd announced that Mr. Terry was present and desired to vote, whereupon the name of Mr. Terry was called, and he cast his vote for Hon. Thomas Johnson.

The President then announced that Hon. Felix I. Batson, having received a majority of all the votes given, was duly and constitutionally elected associate justice of the supreme court, for and during the vacancy occasioned by the resignation of Hon. Thomas B. Hanly.

The President declared that the object of the convention was accomplished, and the Senate returned to their chamber.

On motion of Mr. Pennington House bill No. 30, to be entitled an act to repeal an act declaring the Ouachita river a navigable stream in Polk and Hot Spring counties, was taken up and read the first time.

On the further motion of Mr. Pennington, the rules were suspended and the bill read the second time, when he offered the following amendment, to-wit:

Add to section one the words:

"As far as said act relates to that river above the town of Rockport, in Hot Spring county."

Which amendment was, on motion of Mr. Humphreys, adopted.

On motion of Mr. Pennington, the bill was read the third time as amended, and passed.

On motion of Mr. Davies, House bill No. 188, to be entitled an act to amend an act to incorporate the town of Pocahontas, in the county of Randolph, State of Arkansas, approved January 15, 1857, was taken up and read the first time.

On motion of Mr. Davies, the rules were twice suspended, the bill read the second and third times by title, and passed.

No. 86. Mr. Floyd, on leave, introduced Senate bill to be entitled an act concerning the State Bank of the State of Arkansas.

Which was read the first time.

On motion of Mr. Floyd, the rules were suspended, the bill read the second time by title, and referred to the committee on banks.

On motion of Mr. Floyd, the Senate adjourned until 9 o'clock to-morrow morning.

THOS. FLETCHER,
President.

TUESDAY, *December* 7, 1858.

The Senate met pursuant to adjournment.

Prayer by the chaplain.

The roll was called, and the following Senators answered to their names:

PRESENT—Messrs. Askew, Carrigan, Clark, Craighead, Davies, Floyd, Gaines, Hammond, Hampton, Humphreys, Marshall, McCreery, McColloch, Pennington, Redmond, Stirman, Terry, Trimble, Watkins, Williams and Mr. President—21.

On motion of Mr. Watkins, leave of absence was granted Mr. Rosson on account of sickness.

The journal of yesterday, except the ballotings for supreme judge, the reading of which was, on motion of Mr. Gaines, dispensed with, was read, approved and signed.

Petitions from counties were in order.

Mr. Davies presented the petition of the common school commissioner of Green county, and other citizens of said county, praying the General Assembly to pass an act to legalize the sale of section 16, in township 19, north of range 7 east, in said county of Green.

No. 87. Which petition was accompanied by Senate bill to be entitled an act to legalize the sale of the sixteenth section, in township nineteen, north of range seven east, in Green county.

Which was read the first time.

On motion of Mr. Davies, the rules were suspended, the bill read the second time, by title, and referred to the committee on education.

Mr. Floyd, from a joint select committee, made the following

REPORT:

Mr. PRESIDENT—

The joint select committee, to whom was referred the resolution to inquire if any of the swamp land agents now in office have received gold or silver for any swamp lands that they have sold, and accounted for said sales by paying over to the treasurer swamp land scrip, instead of the specie so received by them, the said land agents, have had the same under consideration, and make the following report:

That we first called for charges against the several land agents in their regular order, and no charge was preferred against any land agent, except against the agent at the land office at Batesville, when it was proven to the satisfaction of the committee that said agent had full knowledge of the pendency of the charges, and that a committee was raised to investigate the same. Said agent was charged by Hon. David Fitzpatrick: "That said agent had sold two tracts of swamp land and had received gold and silver in payment for the same, and that said agent had reported to the state authorities that he had received swamp land scrip for the same, and settled by paying in scrip instead of the specie that was received." These facts were ascertained by evidence properly sworn to before the committee.

There being no other charges preferred against any swamp land agent; the committee brought their investigations to a close, and now ask to be discharged from any further consideration of said resolutions.

W. W. FLOYD,
W. W. WATKINS,
On the part of the Senate.
T. C. ANDERSON,
DANIEL GRIFFIN,
On the part of the House.

Which report was read, when Mr. Redmond moved its adoption.

After a lengthy discussion, the resolution was, on motion of Mr. Trimble, recommitted to the committee which was first appointed on the same.

The following message was received from the House of Representatives by their clerk:

Mr. PRESIDENT—

I am instructed to inform your honorable body that the House of Representatives have adopted the following resolution:

Resolved, That the joint committee heretofore appointed to inquire into the conduct of the swamp land agents, be directed to inquire whether any of said agents have charged more fees than they were entitled to by law, and report as speedily as possible; and that the Senate be requested to concur herein.

Which resolution is herewith transmitted for the concurrence of your honorable body, which is respectfully asked.

S. M. SCOTT, *Clerk of*
House of Representatives.

On motion of Mr. Clark, the resolution of the House of Representatives, just received and read by their clerk, was taken up and read; when

Mr. Clark offered the following amendment thereto:

Amend by adding, " and that such committee be requested to inquire into the official conduct of the several land agents, and that they have power to send for persons and papers, and to administer oaths."

Mr. Hammond offered to amend the amendment by adding, "and that the sum of one thousand dollars be appropriated out of the swamp land fund to defray the expenses of such investigation."

Mr. Gaines moved to lay the amendment of Mr. Hammond on the table.

Mr. Humphreys moved the indefinite postponement of both amendments; which motion taking precedence, Mr. Clark called for a division of the question.

The question was therefore stated from the chair on the indefinite postponement of the amendment offered by Mr. Hammond to that of Mr. Clark.

Whereupon, Mr. Clark demanded the yeas and nays, which demand was sustained, and the roll called with this result:

Yeas—Messrs. Clark, Craighead, Gaines, Hampton, Humphreys, Marshall, McCreery, Pennington, Trimble, Williams and Mr. President—11.

Nays—Messrs. Carrigan, Davies, Floyd, Hammond, McColloch, Redmond, Stirman and Watkins—8.

So the amendment offered by Mr. Hammond was indefinitely postponed.

The question was then stated on the indefinite postponement of the amendment offered by Mr. Clark, when the yeas and nays were demanded, sustained and ordered thereon:

Yeas — Messrs. Carrigan, Floyd, Hammond, Hampton, Humphreys, McColloch, Redmond, Stirman, Watkins and Williams—10.

Nays—Messrs. Askew, Clark, Craighead, Davies, Gaines, Marshall, McCreery, Pennington, Trimble and Mr. President—10.

So the amendment offered by Mr. Clark was not indefinitely postponed.

Mr. Floyd offered to amend said amendment as follows, to-wit:

" And that the sum of five hundred dollars be appropriated out of the swamp land fund to pay the expenses of the committee."

Mr. Redmond offered to amend the amendment offered by Mr. Floyd, by inserting in lieu thereof the following:

"That all charges preferred against said agents shall be made under oath, and the prosecutor shall be liable for the costs of the prosecution, in case he fails to sustain his charges."

Mr. Redmond moved to adopt his amendment in lieu of the one offered by Mr. Floyd; whereupon a protracted discussion arose, and was continued until the Senate, on motion of Mr. Askew, adjourned until 10 o'clock to-morrow morning.

THOS. FLETCHER,
President.

◆

Wednesday, *December 8th,* 1858.

The Senate met pursuant to adjournment.

Prayer by the chaplain.

The roll was called, when the following senators answered to their names:

Messrs. Askew, Carrigan, Clark, Craighead, Davies, Floyd, Gaines, Hammond, Hampton, Humphreys, Marshall, McCreery, McColloch, Pennington, Redmond, Stirman, Terry, Trimble, Watkins, Williams and Mr. President—21.

The journal of yesterday was read, approved and signed.

Reports from standing committees were in order.

Mr. Humphreys from the committee on counties and county lines, made the following

REPORT:

Mr. President—

The committee on counties and county lines, to whom was referred the petition of certain citizens of Sebastian county, praying to be attached to the county of Scott, and a remonstrance of certain citizens of Sebastain county, residing in that portion proposed to be attached to Scott county, beg leave to report: that the said committee have considered the subject referred to them, and find from the petition and remonstrance, that a large majority of the inhabitants, in said portion of Sebastian, desire to be attached to Scott county; and that, from the situation of said portion of Sebastian county, the inhabitants are subject to great inconvenience in attending the county-seat of Sebastian county; therefore, the committee have prepared, and herewith report, a bill to attach all that portion of

Sebastian county, south of the Porteau mountains, to Scott county.

HUMPHREYS,
Chairman.

No. 88. Said report was accompanied by a bill, to be entitled an act to attach that portion of Sebastian county which is south of the Porteau mountains; to the county of Scott.

Which was read the first time, and, on motion of Mr. Humphreys, ordered to take its course under the rules.

Mr. Humphreys, further from said committee, made the following

REPORT:

Mr. President—

The committee on counties and county lines, to whom was referred the petition of sundry citizens of Johnson county, have had the same under consideration, and I am instructed to report the same back to the Senate, and recommend that the prayer of the petitioners be rejected.

HUMPHREYS,
Chairman.

Which report was read, and, on motion of Mr. Humphreys, adopted.

Mr. Terry, on leave, offered Senate joint resolution No. 23, to-wit:

Whereas, Great activity is manifested in all the land offices in Arkansas, and large numbers of entries are being daily made; and whereas, the receiver of public moneys in the Little Rock District is, in common with the receiver of other districts in this state, almost constantly employed in the discharge of the duties of that office, and

Whereas, By law, said receiver is required to act as depository of the treasury of the United States, and receive, count and keep the moneys paid over by all the other receivers, and pay the same out in small drafts of the United States treasurer, and

Whereas, Said receiver, of the Little Rock district, is required to keep an account with the post office department, and otherwise act as disbursing agent, and

Whereas, By law said receiver is required to act as pension agent, and discharge all the duties above mentioned without the aid of clerks, and

Whereas, The salary allowed said receiver is not sufficient to enable him to employ clerks on his own account, therefore,

Resolved, That our congressional delegation be instructed to use their influence to have clerk hire allowed by the United States government to the receiver of public moneys, at Little Rock.

Which resolution was read, and on motion of Mr. Watkins, adopted.

Mr. Humphreys, from the committee on counties and county lines, made the following

REPORT:

Mr. President—

The committee on counties and county lines, to whom was referred Senate bill No. 82, have examined the same, and I am instructed by the committee to report the same to the Senate and recommend its passage.

HUMPHREYS,
Chairman.

Which report was read and adopted, and

On motion of Mr. Humphreys, said Senate bill No. 82, to be entitled an act to retrocede to the counties of Bradley and Union, the overflowed territory below the mouth of the Moro creek, was read the third time and passed.

Mr. Clark, from the committee on education, made the following

REPORT:

Mr. President—

The committee on education, to whom was referred Senate bill No. 87, to be entitled an act to legalize the sale of section 16, in township 19 north, of range seven east, in Green county, have had the same under consideration, and have instructed me to report the same back to the Senate and recommend its passage.

GREEN J. CLARK,
Chairman.

Which report was read and adopted, and

On motion of Mr Clark, said Senate bill No. 87, was read the third time and passed.

Mr. Hammond, from the committee on swamp and overflowed lands, made the following

REPORT:

Mr. President—

The committee on swamp and overflowed lands to whom was referred the petition of sundry citizens of Chicot county, have had the same under consideration, and ask leave to return said petition, and report a bill to be entitled an act for the relief of Alice O'Bannon, of Chicot county, and recommend its passage.

HAMMOND,
Chairman.

No. 89. Which report was read and received, and the bill reported being Senate bill to be entitled an act for the relief of Alice O'Bannon, of Chicot county, was read the first time.

On motion of Mr. Hammond, the rules were suspended and the bill read the second time, by title, when

Mr. Redmond offered to amend the 1st section of the bill by striking out the "Helena district," and inserting the "State of Arkansas," in lieu thereof.

After some discussion, Mr. Redmond, on leave, withdrew his amendment, and

On motion of Mr. Hampton, the bill was referred to a select committee to consist of those senators representing the counties situated within the Helena land district, and

Thereupon, the President announced as such committee Messrs. Redmond, Davies, Craighead and Gaines.

Mr. Gaines, from the committee on the judiciary, made the following

REPORT:

Mr. President—

The judiciary committee, to whom was referred Senate bill No. 79, have considered the same and recommend its passage.

GAINES,
Chairman.

Which report was read and adopted, and

On motion of Mr. Floyd, said Senate bill No. 79, to be entitled an act to authorize the several county courts to examine and cause to be burned all old scrip and ballots, on the files in the respective clerk's offices, was read the third time and passed.

Mr. Hammond was called to the chair.

Mr. Gaines, from the committee on the judiciary, made the following

REPORT:

Mr. President—

The judiciary committee to whom was referred Senate bill No. 2, have considered the same and have directed me by a majority, to recommend its rejection.

GAINES,
Chairman.

Which report was read, and

Mr. Floyd, from the same committee, submitted the following minority

REPORT:

Mr. President—

The undersigned, a minority of the committee on judiciary, to whom was referred Senate bill No. 2, to be entitled an act to define the punishment for the crime of assault and battery, have had the same under consideration, and would most respectfully make the following minority report:

The bill under consideration, and which is proposed to be enacted as law, obviates the great leading or seeming difficulty that has existed, which was the constitutionality of conferring jurisdiction on justices of the peace, in criminal cases, which might seem to conflict with the 14th section of the bill of rights, which says, " that no man shall be *put* to answer any criminal charge but by presentment, indictment or impeachment." This language is clear and explicit and easily comprehended by all and every one. That no man shall be put to answer—meaning in a most clear construction by every legal interpretation, that no man shall be forced or compelled, or brought forward to answer, " but by presentment, indictment or impeachment." But, by a contrary construction does not prevent the man, or any person who may commit the offence of a simple assault, or an assault and battery, from appearing before some officer named, and entering his plea of guilty of the offence in the bill described and set forth, which, when done, the majesty of law and its violation is fully vindicated, and the guilty fully punished, and upon the plea of guilty, if upon an examination of the testimony it should be a greater offence, the justice of the peace knows his duty and will require bail, to appear at the circuit court.

The bill now before the Senate, requires the party to pay his fine, which, when done, it becomes a complete bar to any further prosecution in the circuit court.

In the case of Eason vs. The State, 6th English, 482, the court there held " that assaults, affrays and assaults and batteries are criminal charges," within the meaning of the 14th section of the bill of rights—same case, at page 481, the court says that section 3 of the amendments to the constitution " does not confer on justices of the peace jurisdiction of those offences, but only empowers the legislature to do so by law." By the provisions of the bill, the party who is guilty goes to a justice and says he is guilty of an offense of an assault or an assault and battery, which is voluntary; on the other hand, if the party who is guilty omits or fails to go and plead guilty, the criminal charges stand against him, and only require the form of law to *put* him to answer. Therefore the party relieves himself of the " criminal charges " by making full atonement for the violation of law.

Therefore, when such satisfaction of an infraction of the law is made, the bill provides that the same shall be a full and complete bar, and the party shall never be put to answer again for said offence.

The only remaining question that presents itself to be considered in this connection, as to the constitutional bearing, is the character of person before whom the confession of guilt is made. The bill says justice of the peace—it might be any other person; so that some person might be designated to award how much the amercement should be, and that the amount be paid to the sheriff, who is, by law, an accounting officer; shall be full satisfaction, and make a complete bar to further prosecution.

Having thus disposed of all the seeming constitutional objections, it only remains to see its practical operation.

It is an universal requirement, made by the people at the hands of their representatives, that they should make some provisions to remedy the evil now so loudly complained of in relation to the offences of assault and assault and battery, that the same may be summarily disposed of.

Which, when done in the mode here pointed out, will satisfy the large mass of the people and quiet the growing demand that is every day made more apparent in the public sentiment, to require a call for a state convention, which every one knows will cost an immense sum of money on the one hand, and might lead to disastrous results on the other hand by uprooting the organic law, and might leave things and rights in a condition much to be deprecated.

In view of this and the views herein urged, the undersigned, a minority of the committee on the judiciary, would ask that the report of the majority be rejected, and that the minority report be adopted, and the bill to define the punishment for the crime of assault and battery be put on its final passage.

WM. W. FLOYD,
GREEN J. CLARK.

Which report was read, when Mr. Floyd moved its adoption in lieu of the majority report, and demanded the yeas and nays thereon, which demand was sustained and the roll called:

YEAS—Messrs. Clark, Davies, Floyd, Marshall, McCreery, Pennington and Trimble—7.

NAYS—Messrs. Askew, Carrigan, Craighead, Gaines, Hammond, Hampton, McColloch, Stirman, Terry, Watkins, Williams and Mr. President—12.

So the report of the minority was not adopted; and thereupon, Mr. Watkins moved the adoption of the report of the majority, upon which motion, Mr. Askew demanded the yeas and nays, and the demand being sustained, the roll was called:

YEAS—Messrs. Askew, Carrigan, Craighead, Gaines, Hammond, Hampton, Humphreys, McColloch, Stirman, Terry, Watkins, Williams and Mr. President—13.

NAYS—Messrs. Clark, Davies, Floyd, Marshall, McCreery, Pennington and Trimble—7.

So the report of the majority was adopted, and said Senate bill No. 2 thereby rejected.

The following message was received from the House of Representatives, by their clerk:

Mr. President—

I am instructed to inform your honorable body, that the House of Representatives have passed House bill No. 185, entitled "an act to legalize the sale of 16th sections in Pulaski, Izard, Searcy, St. Francis and Prairie counties, Arkansas."

Said bill is herewith transmitted for the assent of your honorable body, which is respectfully asked.

S. M. SCOTT, *Clerk of*
House of Representatives.

No. 90. Mr. Hampton introduced Senate bill to be entitled an act to provide for the reception and safe-keeping of the archives of the office of the surveyor general, proposed to be turned over to the authorities of this state, by act of the Congress of the United States, approved 12th of June, 1840, and an act to amend said act approved January 22d, 1853, and for other purposes.

Which was read first time.

On motion of Mr. Redmond, one hundred copies or the bill was ordered to be printed; and on motion of Mr. Hampton, the rules were suspended, the bill read the second time, by title, and referred to the committee on ways and means.

No. 91. Mr. Davies introduced Senate bill to be entitled an act to take the sense of the qualified voters of this state, for and against a call of a state convention to so modify the 14th section of the bill of rights as to give jurisdiction to justices of the peace in all cases of assault and battery.

Which was read the first time by title, and on motion of Mr. Clark, the rules were suspended, the bill read the second time by title; and on motion of Mr. Craighead, one hundred copies were ordered to be printed.

On motion of Mr. Clark, the bill was referred to a select committee to consist of one Senator from each judicial circuit in the state; and thereupon, the President announced as such committee Messrs. Clark, Davies, McColloch, Williams, Floyd and Hammond.

No. 92. Mr. Clark introduced Senate bill to be entitled an act to incorporate the White river, Dardanelle and Fort Smith railroad company.

Which was read the first time.

On motion of Mr. Clark, the rules were suspended, the bill read the second time, by title, and referred to the committee on internal improvements.

No. 93. Mr. Redmond introduced Senate bill, to be entitled an act to incorporate the Helena and Iron Mountain railroad company.

Which was read the first time, by title.

On motion of Mr. Redmond, the rules were suspended, the the bill read the second time, by title, and one hundred copies of the same ordered to be printed; and on the further motion of Mr. Redmond, the bill was referred to the committee on internal improvements.

No. 94. Mr. Terry introduced Senate bill to be entitled an act for the relief of John Wassell.

Which was read the first time.

On motion of Mr. Terry, the rules were suspended, the bill read the second time, by title; and on motion of Mr. Humphreys, it was referred to the committee on claims.

No. 95. Mr. Pennington introduced Senate bill, to be entitled an act to amend section 15, of chapter one hundred and one, of Gould's Digest.

Which was read the first time.

On motion of Mr. Pennington, the rules were suspended, the bill read the second time by title, and referred to the committee on swamp and overflowed lands.

No. 96. Mr. McColloch introduced Senate bill, to be entitled an act to incorporate the Hampton Male and Female Academies.

Which was read the first time, by title.

On motion of Mr. Gaines, the rules were suspended, the bill read the second time, by title, and referred to the committee on education.

No. 97. Mr. Williams introduced Senate bill to be entitled an act to constitute certain acts of individuals high misdemeanors.

Which was read the first time.

On motion of Mr. Stirman, the rules were suspended, the bill read the second time by title, and referred to the committee on the judiciary.

On motion of Mr. Stirman, House joint resolution No. 3, instructing our Senators, and requesting our Representatives in Congress to procure certain changes in mail route No. 7812, from Little Rock to Fort Smith was taken up and read.

After some discussion, on motion of Mr. Hampton, the resolution was laid on the table for the present.

Mr. McCreery moved to take up House bill No. 79, to be entitled an act for the relief of Emily Sophronia Quarles.

Which motion was lost.

On motion of Mr. Hampton, the amendment proposed to the constitution of the State of Arkansas, by the last General Assembly, to the effect "that no county now established by law shall be deemed or considered unconstitutional on account of its containing a less number of square miles than 900," was taken up, read and the yeas and nays ordered thereon:

Senators voting in favor of ratifying said amendment:

Messrs Carrigan, Clark, Craighead, Floyd, Gaines, Hammond, Hampton, Humphreys, Marshall, McColloch, Pennington, Redmond, Stirman, Trimble, Watkins, Williams and Mr. President—17.

Those voting in the negative:

Messrs. Davies, McCreery and Terry—3.

So the proposed amendment was ordered to take its place for the third reading.

On the further motion of Mr. Hampton, the amendment proposed by the last General Assembly, to the constitution of the State of Arkansas, to the effect that "the State of Arkansas shall not be sued in any of its courts," was taken up, read and the yeas and nays ordered thereon.

Senators voting in favor of the ratification of said amendment:

—Messrs. Clark, Floyd, Gaines, Hammond, Hampton, Humphreys, Marshall, McCreery, McColloch, Pennington, Redmond, Stirman, Terry, Trimble, Watkins and Williams—16.

Those voting in the negative.

Messrs. Carrigan, Craighead, Davies and Mr. President—4.

On motion of Mr. President, (Mr. Hammond in the chair,) House bill No. 152, to be entitled an act to incorporate the city of Napoleon, was taken up and read the first time.

On his further motion, the rules were suspended, and the bill being read the second time, was discussed at length, and on motion of Mr. Craighead, referred to the committee on the judiciary.

Mr. President asked, and was granted, leave to change his vote on the proposed amendment to the constitution, providing that "the state shall not be sued in any of its courts;" which was done, when the vote thereon stood, *seventeen* in the affirmative, and *three* in the negative.

So the proposed amendment passed to its second reading.

Mr. Trimble from the committee on enrollments, made the following

REPORT:

Mr. President—

The committee on enrollments did, on the 7th inst., hand to the governor for his approval, House bill No. 3.

Also, House bill No. 12, to exempt Scott county from certain laws.

Also, House bill No. 48, entitled an act to change the name of Abby Ann Chandler to that of Abby Ann Chandler West.

Also, House bill No. 74 entitled an act to change the name of John Wolf to that of John Taylor.

Also, House bill No. 160, entitled an act to grant an extension of time to make a cut-off on the Arkansas river.

Also, House joint rosolution No. 26, asking an increase of service on mail route No. 7,807.

Also, House joint resolution No. 4, concerning the overland mail and Pacific railroad; and have instructed me to report the same.

J. S. TRIMBLE,
Chairman.

On motion of Mr. Pennington, the Senate adjourned until 10 o'clock to-morrow morning.

THOS. FLETCHER,
President.

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THURSDAY, *December* 9, 1858.

The Senate met pursuant to adjournment.

Prayer by the chaplain.

Roll called.

PRESENT—Messrs. Askew, Carrigan, Clark, Craighead, Davies, Floyd, Gaines, Hammond, Hampton, Humphreys, Marshall, McCreery, McColloch, Pennington, Redmond, Stirman, Terry, Trimble, Watkins, Williams and Mr. President—21.

The journal of yesterday was read, approved and signed.

The following message was received from the House of Representatives, by the clerk:

MR. PRESIDENT—

I am instructed to inform your honorable body that the House of Representatives have assented to Senate bill No. 36, to be entitled "an act to incorporate the town of Hampton, in the county of Calhoun."

Also, Senate bill No. 4, to be entitled "an act to grant relief to Elvira H. Brown, administratrix of the estate of Wm. M. Brown, late sheriff of Marion county, Arkansas."

Also, Senate bill No. 31, to be entitled "an act to prevent persons from hiring slaves to work and perform manual labor on the Sabbath day, without consent of owner or overseer."

Which bills are herewith returned.

The House of Representatives have refused to assent to Senate bill No. 19, entitled "an act to abolish the credit system in the future sales of all public lands belonging to the State of Arkansas, or held in trust by her, for any purpose whatever."

Said bill is herewith returned.

The House of Representatives have passed House bill No. 91, to be entitled "an act to confer upon the circuit courts of this state power to constitute legal heirs."

Also, House bill No. 100, to be entitled "an act to add to the county of Columbia a portion of the county of Union."

Said bills are herewith transmitted for the assent of your honorable body, which is respectfully asked.

The House of Representatives have adopted House joint resolution No. 16, relative to procuring the journals of the Senate and House of Representatives in Congress for each circuit court clerk in this state.

Said resolution is herewith transmitted for the concurrence of your honorable body, which is respectfully asked.

S. M. SCOTT, *Clerk of*
House of Representatives.

Motions and resolutions were declared in order.

Mr. Trimble offered the following

RESOLUTION:

Resolved, That the Senate will hereafter hold evening sessions, at least twice a week, until the orders of the day are disposed of.

Which was read, and on motion of Mr. Trimble, adopted.

Mr. Carrigan offered the following

RESOLUTION:

Resolved by the General Assembly of the State of Arkansas, That the present legislature adjourn *sine die* on Monday, the 27th of December, at 10 o'clock, a. m., and that the House of Representatives be requested to concur herein.

Which resolution was read.

Mr. Askew offered the following

SUBSTITUTE:

WHEREAS, The people of Arkansas have a Digest of as good laws as most of the states of the Union: *And, whereas*, Attempts are being made to repeal so many of its provisions, that if said attempts prevail, our constituents never will comprehend the laws by which they are governed—therefore, be it

Resolved, That this General Assembly adjourn *sine die* on the 20th December, 1858, at noon.

Which was read.

Mr. Humphreys moved to lay both resolutions on the table.

Mr. Carrigan called for a division of the question which was made.

The question was then stated from the chair to be on the motion to lay the substitute offered by Mr. Askew on the table, when Mr. A. called for the yeas and nays, which call was sustained and ordered:

YEAS—Messrs. Craighead, Davies, Floyd, Humphreys, Pennington, Terry, Trimble and Mr. President—8.

NAYS—Messrs. Askew, Carrigan, Clark, Gaines, Hammond, Hampton, Marshall, McCreery, McColloch, Redmond, Stirman, Watkins and Williams—13.

So the substitute was not laid on the table.

Before the vote was taken on the motion to lay the other resolution on the table, Mr. Floyd moved the indefinite postponement of both, and that question was stated from the chair, when Mr. Floyd demanded the yeas and nays thereon, and the demand being sustained, the roll was called, and stood:

Yeas—Messrs. Craighead, Davies, Floyd, Gaines, Hammond Humphreys, Pennington, Redmond, Stirman, Terry, Trimble and Mr. President—12.

Nays—Messrs. Askew, Carrigan, Clark, Hampton, Marshall, McCreery, McColloch, Watkins and Williams—9.

So the resolutions were indefinitely postponed.

Mr. Clark, from the committee on education, made the following

REPORT:

Mr. President—

The committee on education, to whom was referred Senate bill No. 30, to be entitled an act to levy a tax on deadly weapons, have had the same under consideration, and have instructed me to report the same back to the Senate, and ask to be discharged from any further consideration of the subject, and recommend that the same be referred to the committee on the judiciary.

CLARK,
Chairman.

Which report was read, and on motion of Mr. Clark, adopted, and said Senate bill thereby referred to the judiciary committee.

Mr. Clark, further from the committee on education, made the following

REPORT:

Mr. President—

The committee on education, to whom was referred Senate bill No. 96, to be entitled an act to incorporate the Hampton Male and Female Academies, have had the same under consideration, and have instructed me to report the same back to the Senate and recommend its passage.

CLARK,
Chairman.

Which report was read and adopted, and on motion of Mr. Clark, said Senate bill No. 96, was read the third time and passed.

On motion of Mr. Hammond, the amendments of the House to Senate bill No. 3, to be entitled an act to distribute the new

Digest of the Statutes of the State of Arkansas, were severally taken up.

The amendment to the effect that the government of the Creek Nation of Indians, be furnished with two copies of said Digest, was read, and on motion of Mr. Hammond concurred in by the Senate.

The amendment of the House to strike out of section 2 the words " one copy to each prosecuting attorney and coroner, one copy to each county surveyor, and one copy to each notary public," was read, and on motion to concur therein, Mr. Hammond called for a division of the question and moved to concur in the portion of the amendment to strike out the words " one copy to each prosecuting attorney," and " one copy to each notary public."

Whereupon, the Senate decided to divide the question, and the motion to concur, made by Mr. Hammond, was adopted.

On the further motion of Mr. Hammond, the Senate refused to concur in the remainder of the amendment to strike out the words " one copy to each coroner," and " to each county surveyor."

The amendment of the House to said bill, adding the words " one copy to each member of the General Assembly," at the end of section two, was then read, and the question being on the adoption thereof, Mr. Marshall demanded the yeas and nays, which was sustained and the call ordered:

Yeas—Messrs. Floyd, Gaines and Humphreys—3.

Nays—Messrs. Askew, Carrigan, Clark, Craighead, Davies, Hammond, Hampton, Jones, Marshall, McColloch, McCreery, Pennington, Redmond, Stirman, Terry, Trimble, Watkins, Williams and Mr. President—19.

So the Senate refused to concur in the amendment.

The amendment of the House to strike out section 8 of said bill, in the words " each county officer now in possession of a copy of the former Digest, shall deposit the same with the clerk of the county, and take up his receipt, and the clerk shall preserve the same in his office," was read, and on motion of Mr. Floyd, concurred in.

The amendment to section 9 of the bill striking out " one thousand dollars," and inserting " fifteen hundred dollars," in lieu thereof, was read and concurred in.

No. 98. Mr. Marshall introduced Senate bill to be entitled an act to amend sections 22 and 23 of chapter 62 of Gould's Digest of the Statutes of Arkansas, in regard to secrecy in elections.

Which was read the first time.

On motion of Mr. Marshall the rules were suspended, the bill read the second time by title, and referred to the committee on elections.

On motion of Mr. McCreery, House bill No. 79, to be entitled an act for the relief of Emily Sophronia Quarles, was taken up and read the first time.

On the further motion of Mr. McCreery, the rules were twice suspended, the bill read the second time by title, and the third time, and passed.

On motion of Mr. Humphreys, the Senate resolved itself into a committee of the whole, upon Senate bill No. 8, to be entitled an act to exclude from residing in the State of Arkansas, all free colored persons, mulattoes and negroes of the African race, and for other purposes—Mr. Hammond taking the chair.

The committee at once rose, and through their chairman, reported the following amendments to said bill, and asked to be discharged from the further consideration of the same, viz:

Strike out all after the word "state" in the sixth line of section 5, and insert the following:

"The sheriff of the county in which any such free negro or mulattoe resides, shall forthwith arrest and confine them in the jail of the county, and after giving thirty days notice by advertisement at the court-house door, shall proceed to sell said free negroes or mulattoes to the highest bidder at the court-house door of said county, on a credit of twelve months, requiring a bond for the purchase money, with two good and sufficient securities, to be approved of by the judge of the county court of said county, and when said money is collected, it shall be paid into the county treasury by said sheriff, to be appropriated to the support and maintenance of free negro paupers, if there are any in the county, if not, it shall be appropriated to the common school fund of that county."

Strike out sectious 6, 7 and 8.

On motion of Mr. Floyd the amendments were adopted, and the committee discharged from the further consideration of the bill.

On the further motion of Mr. Floyd, the bill was read the third time, as amended, and the question being on the passage thereof, Mr. Craighead arose and spoke at some length against the passage of the bill, but, by request, gave way, when the Senate, on motion of Mr. Redmond, adjourned until 9 o'clock, to-morrow morning.

THOS. FLETCHER,
President.

FRIDAY, *December* 10, 1858.

The Senate met pursuant to adjournment.

Prayer by the chaplain.

The roll was called, when the following Senators answered to their names:

Messrs. Askew, Carrigan, Clark, Craighead, Davies, Floyd, Gaines, Hammond, Hampton, Humphreys, Jones, McCreery, McColloch, Pennington, Redmond, Stirman, Terry, Trimble, Watkins, Williams and Mr. President—21.

On motion of Mr. Humphreys, leave of absence was granted Mr. Marshall on account of sickness.

The journal of yesterday was read, approved and signed.

Mr. President announced that the consideration of Senate bill No. 8, to be entitled an act to exclude from residing in the State of Arkansas, all free colored persons, mulattoes and negroes of the African race, and for other purposes, had precedence of all other business, and that Mr. Craighead was entitled to the floor.

Mr. Craighead resumed his argument against the passage of the bill; at the conclusion of which, Mr. Floyd spoke in favor of the passage of the bill, and Mr. Gaines in favor of the most of its provisions.

Pending the discussion on said bill, the following message was received from the House of Representatives, by the clerk, to-wit:

MR. PRESIDENT—

I am instructed to inform your honorable body that the House of Representatives have passed House bill No. 199, to be entitled "an act concerning the Bank of the State of Arkansas."

Also, House bill No. 200, to be entitled " an act providing for the appointment of a county attorney for the county of Indepence."

Also, House bill No. 201, to be entitled " an act to change the name of Emily H. Jenkins, of Ouachita county, to that of Emily H Searles."

Also, House bill No. 202, to be entitled " an act for the relief of Pitman & Oates, of the county of Arkansas."

Said bills are herewith transmitted for the assent of your honorable body, which is respectfully asked.

The House have also concurred in Senate resolution No. 20, relative to the burning of certain redeemed warrants and bank bonds in the treasurer's office of this state.

Said resolution is herewith returned.

S. M. SCOTT, *Clerk of*
House of Representatives.

Before the discussion on said Senate bill No. 8 concluded, Mr. Gaines having the floor, on motion of Mr. Humphreys the Senate took a recess until 2 o'clock, p. m.

2 O'CLOCK; P. M.

The Senate convened.

Mr. Gaines resumed his argument on Senate bill No. 8, at the conclusion of which, Mr. Redmond spoke in favor of the passage of the bill, and Mr. Humphreys spoke against it on "constitutional grounds," but, before concluding, gave way to Mr. Askew, who moved to adjourn until 10 o'clock to-morrow morning.

Mr. Floyd demanded the yeas and nays on said motion, which was sustained, and the roll called:

YEAS—Messrs. Askew, Craighead, Gaines, Hammond, Jones and McColloch—6.

NAYS—Messrs. Carrigan, Clark, Davies, Floyd, Hampton, Humphreys, McCreery, Pennington, Redmond, Trimble and Mr. President—11.

So the motion to adjourn was lost.

Mr. Askew then moved to adjourn until 9½ o'clock to-morrow morning.

On which motion Mr. Floyd demanded the yeas and nays. Sustained and ordered:

YEAS—Messrs. Askew, Craighead, Gaines, Hammond, Jones, McCreery, Pennington and Redmond—8.

NAYS—Messrs. Carrigan, Clark, Davies, Floyd, Hampton, Humphreys, McColloch, Trimble and Mr. President—9.

So the motion was lost.

Mr. Redmond moved that the Senate adjourn until 9 o'clock to-morrow morning; whereupon, Mr. Floyd demanded the yeas and nays.

Sustained, and roll called:

YEAS—Messrs. Carrigan, Craighead, Jones and McCreery—4.

NAYS—Messrs. Askew, Clark, Davies, Floyd, Gaines, Hammond, Hampton, Humphreys, McColloch, Pennington, Redmond, Trimble and Mr. President—13.

So the motion was lost.

Mr. Humphreys then resumed his remarks, and, at the conclusion thereof, the Senate adjourned until 9½ o'clock to-morrow morning.

THOS. FLETCHER,
President.

SATURDAY, *December* 11, 1858.

The Senate met pursuant to adjournment.

Prayer by the chaplain.

Roll called.

PRESENT—Messrs. Askew, Carrigan, Clark, Craighead, Davies, Floyd, Gaines, Hammond, Hampton, Humphreys, Jones, McCreery, McColloch, Pennington, Redmond, Stirman, Terry, Trimble, Watkins, Williams and Mr. President—21.

The journal of yesterday was read, approved and signed.

Mr. President announced that the consideration of Senate bill No. 8, to be entitled "an act to exclude from residing in the State of Arkansas all free colored persons, mulattoes and negroes of the African race, and for other purposes," had precedence of all other business.

Mr. Clark spoke in favor of the passage of the bill, and Mr. Askew against it, concluding with a motion to re-commit the the same to a select committee of four senators.

Which motion prevailed.

Mr. President appointed, as such committee, Messrs. Floyd, Askew, Clark and Craighead.

Mr. Humphreys was called to the chair.

The following Message was received from the House of Representatives by their clerk:

MR. PRESIDENT—

I am instructed to inform your honorable body that the House of Representatives have passed the following bills:

No. 204, to be entitled "an act for the relief of the counties of Monroe, Washigton, Lafayette, Prairie, Marion, Yell, Poinsett, Jackson, Montgomery, Crawford, Saline, St. Francis, Perry and White."

Also, bill No. 93, entitled "an act to increase the pay of witnesses in the counties of Columbia, Lafayette, St. Francis, Hot Spring, White, Ashley, Union, Jackson, Ouachita, Poinsett, Desha, Phillips, Yell, Prairie and Sevier."

Said bills are herewith transmitted for the assent of your honorable body which is respectfully asked.

The House have adopted the following resolution:

Resolved, That, with the concurrence of the Senate, both houses go into the election of swamp land agents on Saturday, December 18th inst., at 11 o'clock, a. m.

Which resolution is herewith transmitted for the concurrence of your honorable body, which is respectfully asked.

S. M. SCOTT, *Clerk of*
House of Representatives.

On motion of Mr. Floyd, House bill No. 199, to be entitled "an act concerning the Bank of the State of Arkansas," was taken up, and read the first time.

On motion of Mr. Hammond, the rules were suspended, the bill read the second time by title, and referred to the committee on banks.

Mr. President resumed the chair.

Petitions and memorials were in order.

Mr. Hammond presented the petition of E. K. Haynes, a citizen of Drew county, representing that on the 25th of November, A. D. 1854, he entered into a contract with M. G. Welch, sub-commissioner for the principal swamp land commissioners of the State of Arkansas, to cut a ditch on swamp and overflowed lands in said county of Drew; that he did cut said ditch according to contract, and within the time therein specified; that he has endeavored to have his work measured by some engineer, authorized to do so, but without success; and praying the General Assembly to grant him such relief as in their judgment he is entitled to.

Which petition was read and, with the accompanying papers, on motion of Mr. Clark, referred to the committee on swamp and overflowed lands.

Mr. McColloch presented a petition signed by numerous citizens of Drew county, in these words, to-wit:

We, the undersigned, citizens of the county of Drew, respectfully and earnestly pray your honorable body to enact a law enabling and authorizing the county court of this county to levy or impose a tax on the taxable property in the county, for the purpose of aiding in the early completion of the Mississippi, Ouachita and Red river railroad, from the Mississippi river to the western boundary of the county: requiring and directing the question of such taxation to be first submitted to the legal and qualified voters of the county, and with such provisions as will secure the just and faithful application of the money arising therefrom, to the object intended; and the reimbursement of the same to the payees in some just and equitable way.

Our reasons for praying the passage of such an act are the following:

First. Our necessities imperatively demand a railroad to the Mississippi.

Second. Nearly the entire grading and most of the other local work is already done on said road, from the river to the hills in this county—but the company have not available means to purchase iron to complete and put that portion in operation. We believe that a small tax on the taxable property of the county would purchase the iron and insure the early completion of the road to the Saline river. And we are confident its construction through the county will add ten times the amount of the tax to the value of the real estate in the county.

Third. This road, one of the most important in the state, and indeed in the south-west, has received no grant of land from Congress, nor aid from the state, and we feel confident that its completion through our county will be of great benefit not only to ourselves, but to the counties west of us; and that those counties will aid to continue it through the state to its junction with the well endowed Cairo and Fulton, and Memphis, Texas and El Paso roads, and that when completed it will become part of our great southern thoroughfare from the Mississippi to the Pacific, and that it will not only relieve us of the burthens and hardships we now bear in getting our products to market, but that it will confer upon the people of this portion of the state, great and innumerable benefits and advantages.

Fourth. That at least one hundred and twenty thousand acres of the best lands in our county are owned by non-residents, and by them withheld from occupancy and settlement,—thereby retarding the growth and prosperity of the country; but it is evident that should the road be built, these lands will be brought immediately into market, and be opened to occupancy and cultivation, thus greatly adding to the wealth, improvement and prosperity of the country.

Which petition was read, and on motion of Mr. McColloch, referred to the committee on the judiciary.

On motion of Mr. Clark, Senate bill No. 46, to be entitled an act approving an act of the General Assembly of the State of Louisiana, incorporating the Louisiana, Arkansas and Texas navigation company, was taken up.

Mr. Clark offered to amend the bill by adding the following sections:

Sec. — That if said company shall fail to open and remove said raft within five years after the passage of this act, such company shall forfeit all rights and privileges created by this act.

Sec. — That this act shall be deemed a public act and may be altered or amended at any time by the state of Arkansas.

Read, and on motion of Mr. Clark, adopted.

Mr. Carrigan offered to amend further by adding the following proviso to the first section of the bill:

Provided, The assent of the Congress of the United States be first given to the collection of such tolls.

Which was also read and on motion of Mr. Clark, adopted.

Mr. Clark then moved that the bill be read the third time as amended.

Mr. Hammond moved to adjourn until 9 o'clock, Monday morning; which motion was lost.

After discussion, Mr. Gaines moved to adjourn until 10 o'clock Monday morning, and called for the yeas and nays thereon, but the call not being sustained, the motion was put to the Senate and lost.

On Mr. Clark's motion the bill was read the third time as amended, and the question being on its passage, Mr. Gaines demanded the yeas and nays.

Sustained, and roll called.

Yeas—Messrs. Askew, Carrigan, Clark, Davies, Floyd, Hammond, Hampton, McColloch, Pennington, Redmond, Stirman, Trimble, Watkins, Williams and Mr. President—15.

Nays—Messrs. Craighead, Gaines, Jones and McCreery—4.

So the bill passed.

Mr. Redmond offered the following

RESOLUTION:

Resolved, That the Senate chamber be tendered to the citizens of Little Rock and all other persons, for the purpose of holding a telegraph meeting, this evening at 7½ o'clock, and that the chamber be prepared by the door-keeper.

Read, and on motion of Mr. Williams, adopted.

Mr. Hammond, from the committee on banks, submitted the following minority

REPORT:

Mr. President—

The undersigned, part of the committee on banks, to whom was referred Senate bill No. 43, to be entitled an act to create a sinking fund for the ultimate redemption of the state bonds, beg leave to make the following minority report:

We deem it inexpedient to the best interests of the State of Arkansas, to create such a fund in the way proposed, for several reasons.

First. It is granting a power to the executive, which we do not believe he would accept, and imposing a duty upon him which is unreasonable.

Secondly. The passing of this act would cause all Arkansas bonds to rise in market, thereby directly benefiting Wall street brokers and stock-jobbers, to the direct injury of many citizens of our state, who are striving hard to pay up their old debts to the Bank and Real Estate Bank of Arkansas. It is a well known fact that the present holders of Arkansas bonds bought them up at from 21 to 27 cents on the dollar, and while they remain at the price they now are, say fifty cents on the dollar, many of them will be purchased by citizens of this state, as well as citizens of other states, seeking homes among us, to buy lands with, that belong to the State and Real Estate Bank;—in the past two years over two hundred and fifty thousand dollars worth of these lands have been sold and paid for in bonds, thereby wiping out that much of the debt; if lands rise you will readily perceive that the land sold will not bring so much, for if we consider land worth ten dollars per acre, in bonds, now, while they are fifty per cent. discount, if they were par it would only be worth five dollars per acre, consequently only one half of the amount could be paid off by the lands, and we will here say that there is a large amount of these lands, and the demand for them increasing; hence it would be doing a direct injury to the winding up of these unfortunate institutions by passing this act.

Thirdly. Our state debt is not due by ten—and twenty years—it is comparatively small now to our wealth, and with the rapid progress we are now making, and by judicious legislation, to encourage progress and internal improvements, we will soon arrive at a period when our debt will be insignificant.

Fourthly. It would, to create such a fund now, impoverish our state treasury, and thereby retard progress by decreasing immigration to the state.

Fifthly. It would be sending the money in the state treasury out of the state, when we can use it to greater advantage within our own borders. Therefore, we would recommend the rejection of the *bill.*

HAMMOND,
ROSSON.

Which report was received and ordered to lay upon the table for the present.

On motion of Mr. Redmond, the Senate adjourned until 9 o'clock Monday morning.

THOS. FLETCHER,
President.

MONDAY, *December* 13, 1858.

The Senate met pursuant to adjournment.

Prayer by the chaplain.

Roll called.

PRESENT—Messrs. Askew, Carrigan, Clark, Craighead, Davies, Floyd, Gaines, Hammond, Hampton, Humphreys, Jones, Marshall, McCreery, McColloch, Redmond, Stirman, Terry, Trimble, Watkins, Williams and Mr. President—21.

The journal of Saturday was read, approved and signed.

Motions and resolutions were in order.

Mr. Floyd offered the following joint

RESOLUTION:

Resolved by the Senate and House of Representatives, That this General Assembly invite Dr. David Dale Owen, the state geologist, to deliver a lecture, one or more, at such time or times as may suit his convenience, on the subject of geology, and that he have the use of the Senate chamber or the hall of the House of Representatives for that purpose, and that a copy of this resolution be communicated to Dr. Owen, by the secretary of the

Senate and clerk of the House of Representatives when adopted.

Which resolution was read, and on motion of Mr. Floyd, adopted.

Mr. Hampton offered the following

RESOLUTION:

Resolved by the General Assembly of the State of Arkansas, That the present session of this General Assembly will adjourn *sine die*, on Monday, the 10th day of January, A. D. 1859, and that the House of Representatives are respectfully requested to concur herein.

Which was read; and on motion of Mr. Floyd, adopted.

Mr. Terry offered the following

RESOLUTION:

Resolved, That whenever the Senate adjourns at the conclusion of the business of one day, the adjournment be to an hour certain—say to half after nine in the morning.

Read, when Mr. Craighead moved to strike out "half after nine," and insert " 10 o'clock, a. m.;" which motion was lost.

The question was then taken on the adoption of the resolution, and lost.

Mr. Redmond, from a select committee, made the following

REPORT:

Mr. President—

The select committee, to whom was referred Senate bill No. 89, to be entitled an act for the relief of Alice O'Bannon, of Chicot county, have had the same under consideration, and with an amendment, beg leave to report the same back and recommend its passage.

REDMOND,
Chairman.

Amendment:

Insert after the words " protected by it," in the 2d section of the bill, these words: " *And provided*, The amount so awarded shall not exceed twenty-five hundred dollars."

On motion of Mr. Redmond, the amendment was adopted; and on motion of Mr. Hammond, the bill was read the third time as amended and passed.

Mr. Floyd, from the committee on banks, made the following

REPORT:

Mr. President—

The committee on banks, to whom was referred House bill No. 199, to be entitled an act concerning the State Bank of Arkansas, have had the same under consideration, and have unanimously instructed me to report the same back to the Senate and recommend its passage.

FLOYD,
Chairman.

Which report was, on motion of Mr. Floyd, adopted; and said House bill No. 199 was read the third time and passed.

The introduction of bills was in order.

No. 99. Mr. Clark introduced Senate bill to be entitled an act to charter the Central Pacific telegraph company.

Which was read the first time.

On motion of Mr. Redmond, one hundred copies of the bill were ordered to be printed, and on motion of Mr. Clark, the rules were suspended, the bill read the second time, by title, and referred to the committee on internal improvements.

Mr. McColloch, from the committee on elections, made the following

REPORT:

Mr. President—

The committee on elections, to whom was referred Senate bill No. 98, to be entitled an act to amend sections 22 and 23. of chapter 62, of Gould's Digest of the Statutes of Arkansas, in regard to secresy in elections, have had the same under consideration, and have instructed me to report the same back and recommend its rejection.

J. B. McCOLLOCH,
Chairman.

Mr. McColloch moved the adoption of the report.

After some discussion, Mr. Trimble moved to recommit the bill to a select committee of three, which motion was lost; and thereupon the report was adopted, and said Senate bill No. 98 thereby rejected.

The following message was received from the House of Representatives by their clerk:

Mr. President—

I am instructed to inform your honorable body that the House of Representatives have passed House bill No. 205, to be entitled "an act for the relief of Hannah Shanks."

Also, House bill No. 206, to be entitled "an act to prevent the poisoning of fish in any of the lakes, waters or streams in the county of Columbia."

Also, House bill No. 207, to be entitled "an act to authorize the clerk of the circuit court of Jackson county to transcribe certain records of his office."

Which bills are herewith transmitted for the assent of your honorable body, which is respectfully asked.

The House have also adopted the following resolution, to-wit:

Resolved, That that the use of this hall be tendered to the Rev. R. A. Moses, agent of Wallace Institute, for the purpose of delivering an address on the subject of education, on the evening of the 15th January, and that the Senate be requested to attend.

Which is herewith transmitted for the consideration of your honorable body, which is respectfully asked.

S. M. SCOTT, *Clerk of*
House of Reprcsentatives.

Mr. Floyd offered the following

RESOLUTION:

Resolved, That the secretary of state be requested to furnish this General Assembly with the returns of the census of Arkansas county, with a general synopsis as now printed, and the secretary of the Senate inform the secretary of state of this resolution.

Which was read, and on motion of Mr. Floyd, adopted.

On motion of Mr. Floyd, the resolution of the House to go into the election of state land agents, on Saturday, December 18th (inst.,) at 11 o'clock, a. m., was taken up and read, when Mr. Floyd moved to concur therein.

After some discussion, Mr. Gaines demanded the yeas and nays on the motion to concur in the resolution, which being sustained, the roll was called:

YEAS—Messrs. Askew, Carrigan, Davies, Floyd, Hammond, Jones, McColloch, Redmond, Stirman, Terry, Watkins and Williams—12.

NAYS—Messrs. Clark, Craighead, Gaines, Hampton, Humphreys, Marshall, McCreery, Trimble and Mr. President—9.

So the resolution was concurred in.

No. 100. Mr. Stirman introduced Senate bill, to be entitled an act to authorize the clerks of courts, for all of the counties in this state to transcribe marriage records when necessary.

Which was read the first time.

On motion of Mr. Stirman, the rules were twice suspended, the bill read the second and third times, by title, and passed.

Mr. Carrigan was called to the chair.

No. 101. Mr. Askew introduced Senate bill, to be entitled an act donating the swamp and overflowed lands to heads of families.

Which was read the first time.

On motion of Mr. Askew, the rules were suspended, the bill read the second time by title, and referred to the committee on swamp and overflowed lands.

No. 102. Mr. Hammond introduced Senate bill, to be entitled an act for the relief of McNeil and Gracie.

Which was read the first time.

On motion of Mr. Hammond, the rules were suspended, the bill read the second time, by title, and on motion of Mr. Clark, referred to the committee on swamp and overflowed lands.

On motion of Mr. Clark, Senate bill No. 88, to be entitled an act to attach that portion of Sebastian county south of the Porteau mountains, to the county of Scott, was taken up and read the second time.

On motion of Mr. Humphreys, the rules were suspended, the bill read the third time, by title, and passed.

On motion of Mr. Humphreys, Senate bill No. 64, to be entitled an act for the relief of William H. Lefler, was taken up ond read the third time and passed.

On motion of Mr. McCreery, House joint resolution No. 27, relative to procuring from Congress an extension of the White river mail route, up Little Red river to West Point, and for the establishment of a new mail line from West Point to Searcy, was taken up and concurred in by the Senate.

On motion of Mr. Terry, House bill No. 11, to be entitled an act to fix the pay of jurors, was taken up and read the first time.

On motion of Mr. Redmond, the rules were suspended, and the bill read the second time, by title.

Mr. Terry offered the following amendment:

Sec. —. *Be it further enacted,* That the counties of Sebastian, Newton, Izard, Marion, Madison and Carroll, are exempted from the operations of this act.

On motion of Mr. Terry, the bill and amendment were referred to the committee on the judiciary.

On motion of Mr. Stirman, House bill No. 28, to be entitled an act to amend the fourteenth section, chapter 146, Gould's Digest of the Statutes of Arkansas, was taken up and read the first time.

On the further motion of Mr. Stirman, the rules were twice suspended, the bill read the second and third times by title, and passed.

On motion of Mr. Marshall, House bill No. 35, to be entitled an act for the relief of James H. Hearndon, was taken up and read the first time.

On his further motion, the rules were suspended, the bill read the second time by title, and referred to the committee on claims.

On motion of Mr. Marshall, the Senate adjourned until 10 o'clock to-morrow morning.

THOS. FLETCHER,
President.

TUESDAY, *December* 14, 1858.

The Senate met pursuant to adjournment.

Prayer by the chaplain.

Roll called.

PRESENT—Messrs. Askew, Carrigan, Clark, Craighead, Davies, Floyd, Gaines, Hammond, Hampton, Humphreys, Jones, Marshall, McCreery, McColloch, Redmond, Stirman, Terry, Trimble, Watkins, Wiliams and Mr. President—21.

Mr. Davies asked, and obtained, leave of absence for Mr. Pennington on account of sickness.

The journal of yesterday was read, approved and signed.

Motions and resolutions were in order.

Mr. Floyd offered Senate joint resolution No. 24, to-wit:

WHEREAS, The postmaster-general of the United States, under and by provisions of act of Congress, let to contract the great overland Pacific mail from two points on the Mississippi river, to make a junction at some point west of Arkansas. In pursuance of said act of Congress, the postmaster-general let said mail service to contracts, fixing one point or terminus at St. Louis, thence *via* Jefferson City, Springfield and Fayetteville to Fort Smith; and the other at the city of Memphis, thence *via* the city of Little Rock, and from thence to form the said junction at the city of Fort Smith; and that Messrs. Butterfield & Co. became the contractors. The said contractors are now, in pursuance of the stipulations of their contract, performing good service on the northern terminus, from St. Louis to Fort Smith, and regularly carrying the great Pacific mail, on that route, with full and complete grade of service, to the full satisfaction of all who are concerned in the northern interest. While said contractors, at the same time, in positive violation of the plain letter and conditions of their obligation made with the government of the United States, have wholly and totally failed to make provisions to put stock and coaches on the line from the terminus at the city of Memphis, on the Mississippi river, by the city of Little Rock to the western junction at the city of Fort Smith.

And, further, we regard such failure, on the part of the contractors, Messrs. Butterfield & Co., to perform the conditions of their contract, as an injury and an outrage on the rights of the people of the State of Arkansas, that should not for a moment longer be tolerated—when they are at the same time receiving full pay from the United States government for carrying the great overland mail to San Francisco, in California.

And it is understood that said contractors, in violation of the liberal provisions made by the postmaster-general to give the people of Arkansas a full grade of mail service, will endeavor to have their contract so modified by an act of Congress as to permit them to make St. Louis the sole terminus of the great Pacific mail route; therefore, *Be it resolved by the General Assembly of the State of Arkansas*, That we here enter our protest against any modification of the contract made with Butterfield & Co., in relation to the Pacific mail contract service, by the Congress of the United States or by the postmaster-general; and that the authorities of the United States should, by all possible means within their power, require a faithful performance of the contract for carrying the great overland mail to the Pacific ocean.

Be it further resolved, That our Senators in Congress are hereby instructed and our Representatives are requested to use all their influence to see that Messrs Butterfield & Co. be required to perform their contract to the very letter of their obligation; and that this preamble and resolution, be immediately forwarded by the governor of this state to our members of Congress.

Which resolutions were read, when Mr. Hammond moved to print one hundred copies; which motion was lost.

And, thereupon, on motion of Mr. Hammond, they were adopted.

Mr. Floyd offered Senate joint resolution No. 25, to-wit:

WHEREAS, The mail now carried from Little Rock to Fort Smith daily, on the north side of the Arkansas river, on route No. 7812, in two horse stage service carries the largest portion of the mail matter for the west and north-western counties, as well as for all the Indian territories west of Arkansas, making the same one of the most important mail routes in Arkansas, and carrying a larger amount of mail matter than any other route, with a progressive increase of the same; and the present grade of service is inadequate for its certain transportation. Therefore,

Be it resolved by the General Assembly of the State of Arkansas, That our Senators in Congress are hereby instructed, and our Representatives are hereby requested to use their influence with the postmaster-general of the United States to have the grade of service raised on said route to a four horse post coach service.

Which resolution was read, and, on motion of Mr. Stirman, adopted.

Reports from standing committees were in order.

Mr. Gaines, from the committee on the judiciary, made the following

REPORT:

Mr. PRESIDENT—

The judiciary committee, to whom was referred House bill No. 152, have considered the same, and adopted an amendment to section 13, and, with the amendment, recommend the passage of the bill.

GAINES,
Chairman.

AMENDMENT:

Add to section 13, " and nothing herein contained shall interfere with the jurisdiction of the circuit court of Desha county over offences to be presented by the grand jury of said county according to laws now in force."

On motion of Mr. McColloch, said amendment was adopted, and the bill, on motion of Mr. Gaines, was read the third time, by title, and passed.

Mr. Gaines, from the committee on the judiciary, made the following

REPORT:

Mr. President—

A majority of the judiciary committee, to whom was referred the petition of *divers* citizens of Drew county, praying the General Assembly of this state to pass an act to authorize the county court in said county to impose a tax on the property in said county for the purpose of aiding in the early completion of the Mississippi, Ouachita and Red river railroad, from the Mississippi river to the western boundary of said county, requiring and directing the question of such taxation to be first submitted to the legal qualified voters of the county, and with such provisions as will secure the just and faithful application of the money arising therefrom to the object intended, and the reimbursement of the same to the payees, in some just and equitable way; have had the same under consideration, and are of opinion that the prayer of the petition ought to be granted. Your committee are also of opinion that Senate bill No. 48, entitled an act to aid in the construction of the Mississippi, Ouachita and Red river railroad, makes ample provision to secure the objects sought to be obtained by said petition, and would, therefore recommend its passage, with the amendment herewith submitted.

GAINES,
Chairman.

Amend by inserting after the word " expended," in section 10, the following:

" And the provisions of this act shall extend to and embrace the counties of Bradley, Calhoun, Ouachita, Columbia, Layfayette, Hempstead and Chicot, as fully and effectually, to all intents and purposes, as if they were respectively named and provided for in the foregoing sections of this act."

On motion of Mr. Gaines, the report and amendment were received and ordered to remain upon the table for the present.

Mr. Trimble from the committee on enrollments, made the following

REPORT:

Mr. President—

The committee on enrollments have examined Senate bill No. 4.

Also, Senate joint resolution No. 20.

Also, Senate bill No. 34.

Also, Senate bill No. 66.

Also, House bill No. 79.

Also, House bill No. 188, and have instructed me to report the same correctly enrolled.

J. S. TRIMBLE,
Chairman.

Which report was read and received.

Mr. Askew offered the following

RESOLUTIONS:

Whereas, Reports prevail of a very irregular administration of the treasury, and being desirous of making enquiry into the facts of the case, in order that if such reports are true, some guard may be placed on future expenditures:

Be it resolved, That the auditor be required to furnish this house with a list of the names of all the clerks who have been employed in the offices of the auditor and state treasurer since the first day of May last, the salary of each per month, and out of what appropriation the same has been paid.

Resolved further, That the auditor inform this house whether any certificate accompanies the accounts of the public printers for public printing, upon which warrants are issued by him on the treasury; if so, state whose certificate, and what is the nature or form of such certificate.

Resolved, That the secretary of this house furnish the auditor with a copy of this resolution, and furnish his response thereto.

Which resolutions were read, and, on motion of Mr. Askew, adopted.

On motion of Mr. Floyd, House bill No. 36, to be entitled an act to authorize the assignment of certificates of purchase of saline lands, was taken up and read the first time.

On motion of Mr. Floyd, the rules were twice suspended, the bill read the second and third times by title, and passed.

On motion of Mr. Humphreys, House bill No. 168, to be entitled an act to incorporate the Van Buren Female Academy, was taken up and read the first time.

On his further motion, the rules were twice suspended, the bill read the second and third times and passed.

No. 103. Mr. Floyd, on leave, introduced Senate bill, to be entitled an act to repeal section 2 of the general appropriation act, approved 15th January, 1857.

Which was read the first time.

On motion of Mr. Floyd, the rules were twice suspended, and the bill read the second and third times and passed.

On motion of Mr. McColloch, House bill No. 169, to be entitled an act to change the name of Amelia Elizabeth Taylor to that of Bettie Watts, and to constitute her the legal heir of Presley Watts, was taken up and read the first time.

On motion of Mr. McColloch, the rules were twice suspended, the bill read the second and third times and passed.

On motion of Mr. Marshall, House bill No. 108, to be entitled an act for the relief of Ralph Arnold, former sheriff of Marion county, Arkansas, was taken up and read the first time.

On his further motion the rules were suspended, and the bill read the second time, and referred to the committee on claims.

Mr. Clark, from a select committee, made the following

REPORT:

Mr. President—

The select committee, to whom was referred Senate bill No. 91, to be entitled an act to take the sense of the qualified voters of the state for or against a call of a state convention to so modify the 14th section of the bill of rights as to give jurisdiction to justices of the peace in all cases of assault and battery, have had the same under consideration, and have instructed me to report the same back to the Senate with sundry amendments, and as amended, to recommend its passage.

CLARK,
Chairman.

Amendments:

Amend the first section by striking out all after the word "modify," in the 7th line, and insert, " amend or form a new constitution for the State of Arkansas."

Amend the third section by striking out the words " so modify and reform the 14th section of the bill of rights as to give jurisdiction to justices of the peace in all cases of assault and battery in this state," and insert " modify, amend or make a new constitution for the State of Arkansas."

On motion of Mr. Clark the amendments were adopted, and the bill as amended, took its course under the rules.

No. 104. Mr. Davies introduced Senate bill to be entitled an act concerning pre-emptions.

Which was read the first time.

On motion of Mr. Davies, the rules were suspended, and the bill read the second time by title.

Mr. Terry offered to amend by striking out the words "over the age of twenty-one years," in the first section.

On motion of Mr. Redmond, the bill and amendment were referred to the committee on swamp and overflowed lands.

No. 105. Mr. Trimble introduced Senate bill to be entitled an act in relation to the mileage of members of the General Assembly.

Which was read the first time, when Mr. Floyd moved its rejection.

After some discussion, Mr. Hampton moved the previous question, which was sustained, and thereupon the question was stated, "shall be rejected?" when the same was decided in the affirmative.

On motion of Mr. Hampton, the amendment proposed to the constitution of the State of Arkansas, by the last General Assembly, to the effect "that no county now established by law shall be deemed or considered unconstitutional on account of its containing a less number of square miles than 900," was taken up and read the second time, and the yeas and nays ordered thereon:

Senators voting in favor of ratifying said amendment:

Messrs. Askew, Carrigan, Clark, Craighead, Davies, Floyd, Gaines, Hammond, Hampton, Humphreys, Jones, Marshall, McCreery McColloch, Redmond, Stirman, Trimble, Watkins, Williams and Mr. President—20.

Mr. Terry voted in the negative—1.

So the proposed amendment passed to its third and last reading to be ratified.

On the further motion of Mr. Hampton, the amendment to the constitution of the State of Arkansas, proposed by the last General Assembly, to the effect that "the State of Arkansas shall not be sued in any of its courts," was taken up and read the second time, and the yeas and nays ordered thereon.

Senators voting in favor of the ratification of said amendment:

Messrs. Carrigan, Clark, Davies, Floyd, Gaines, Hammond, Hampton, Humphreys, Jones, Marshall, McCreery, McColloch, Redmond, Terry, Trimble, Watkins, Williams and Mr. President—18.

Messrs. Askew and Craighead, voted in the negative—2.

So the proposed amendment passed to its third and last reading to be finally ratified.

The following message was received from the House of Representatives, by their clerk:

Mr. President—

I am instructed to inform your honorable body that the House of Representatives have adopted House joint resolution No. 41, relative to instructing our congressional delegation to use their best exertions to have the reported swamp lands in this state confirmed.

Said resolution is herewith transmitted for the concurrence of your honorable body, which is respectfully asked.

The House of Representatives have also adopted the following resolution, viz:

Resolved, That this House take a recess on Tuesday the 21st inst., to meet on Tuesday the 11th of January, proximo, and that the Senate be requested to concur herein.

Said resolution is herewith transmitted for the concurrence of your honorable body, which is respectfully asked.

The House of Representatives have receded from their amendment to Senate bill No. 3, to distribute the new Digest; which house amenements were not concurred in by your honorable body.

Said bill is herewith returned.

S. M. SCOTT, *Clerk of*
House of Representatives.

Mr. President laid before the Senate the following response from the secretary of state, to-wit:

OFFICE OF THE SEC'Y OF STATE,
Little Rock, Arkansas,
December 14, 1858.

HON. THOMAS FLETCHER,
President of the Senate:

Sir—In answer to a resolution of the Senate, I have the honor to furnish to that body, the accompanying abstract of the census of Arkansas county.

Respectfully,
D. B. GREER,
Secretary of State.
Per JAS. F. FAGAN,
Dep'y Sec'y of State.

CENSUS—*Of Arkansas county, State of Arkansas, for the year* 1858, *reported to the Senate, December* 14, 1858, *in obedience to a resolution.*

	TOWNSHIPS.	WHITE MALES.					WHITE FEMALES.		Free persons of color.		SLAVES			Acres of land in cultivation.		PRODUCTION.				
		Under 10 years.	Over 10 and under 18.	Over 18 and under 21.	Over 21 and under 45.	Over 45.	Under 16 years.	Over 16 years.	Males.	Females.	Under 8.	Over 8 and under 60.	Over 60.	Cotton.	Grain.	Bales of cotton.	Bushels of oats.	Bushels of wheat.	Bushels of corn.	
1	Douglass............	34	27	7	61	8	50	48	5	2	323	939	51	6849	2878	5256	333	15	158700	1
2	Villemont	21	21	9	20	7	36	36	......	......	20	41	....	314	337	281	30	30	8710	2
3	Arkansas	20	11	4	22	9	22	31	......	......	18	62	1	370	368	277	910	150	8175	3
4	Polk	79	41	11	73	33	93	67	......	......	70	154	11	987	608	395	6235	2739	24615	4
5	Morriss	58	30	12	57	7	81	72	......	......	5	5	....	77	569	26	370	412	7430	5
6	Lagrew	51	27	7	56	19	73	75	......	......	11	16	1	95	727	35	895	324	9739	6
7	Crockett.	30	15	2	32	13	35	37	......	......	32	99	2	777	609	366	700	305	10270	7
8	Old River...........	57	25	17	177	29	80	84	3	4	230	634	30	3389	1887	2412	1065	......	48230	8
9	Prairie.............	101	71	12	136	32	158	150	......	......	56	138	....	1081	1029	477	4485	585	25048	9
	Total.............	451	270	81	634	157	628	600	8	5	765	2088	96	13939	9012	9525	15023	4560	300917	

Which response was read, and on motion of Mr. Hampton, one hundred copies of the accompanying abstract was ordered to be printed.

On motion of Mr. McCreery, House bill No. 66, to be entitled an act to incorporate the Trustees of the Arkansas Baptist State Convention, was taken up and read the first time.

On his further motion, the rules were suspended, the bill read the second time, by title, and referred to the committee on the judiciary.

Mr. McColloch was called to the chair.

On motion of Mr. Clark, House bill No. 194, to be entitled an act to change the time of holding the probate court of Washington county, was taken up and read the first time.

On his further motion the rules were twice suspended, the bill read the second and third times, by title, and passed.

On motion of Mr. Askew, House bill No. 100, to be entitled an act to add to the county of Columbia a portion of the county of Union, was taken up and read the first time.

On his further motion, the rules were twice suspended, the bill read the second and third times, by title, and passed.

On motion of Mr. Williams, House bill No. 189, to be entitled an act for the relief of Searcy county, was taken up and read the first time.

On his further motion, the rules were twice suspended, the bill read the second and third times, by title, and passed.

On motion of Mr. Trimble, House bill No. 14, to be entitled an act relating to insane paupers, was taken up and read the first time.

On the further motion of Mr. Trimble, the rules were suspended, the bill read the second time, by title, and referred to the committee on education.

On motion of Mr. Floyd, House bill No. 135, to be entitled an act to increase the salary of the judges, and expedite the business of the supreme court, was taken up and read the first time.

On the further motion of Mr. Floyd, the rules were suspended, the bill read the second time, by title, when Mr. Humphreys moved to refer the same to the committee on ways and means.

Mr. Williams moved to refer it to the committee on the judiciary.

After some discussion, Mr. Humphreys withdrew his motion, and offered to amend the bill, by striking out "twenty-five hundred," relating to the salary of the supreme judges, and inserting "twenty-two hundred and fifty" in lieu thereof.

Mr. Trimble offered to amend the amendment by saying "two thousand," instead of "twenty-two hundred and fifty."

Mr. Floyd moved to lay the amendment to the amendment on the table, on which motion, Mr. Trimble demanded the yeas and nays, and the demand being sustained the call was ordered and stood

Yeas—Messrs. Askew, Clark, Craighead, Floyd, Gaines, Hammond, Hampton, Humphreys, Jones, McCreery, McColloch, Redmond, Stirman Terry, Watkins, Williams and Mr. President—17.

Nays—Messrs. Carrigan, Davies, Marshall, and Trimble—4.

So the amendment to the amendment was laid on the table.

Mr. Stirman moved to lay the amendment offered by Mr. Humphreys, on the table—on which motion, Mr. Humphreys demanded the yeas and nays, and the demand being sustained the roll was called.

Yeas— Messrs. Askew, Clark, Craighead, Floyd, Gaines, Hammond, Hampton, Jones, McCreery, McColloch, Redmond, Stirman, Terry, Watkins, Williams and Mr. President—16.

Nays—Messrs. Carrigan, Davies, Humphreys, Marshall and Trimble—5.

So the amendment was laid on the table, and thereupon Mr. Williams renewed his motion to refer the bill to the committee on the judiciary, and the same was decided in the affirmative.

On motion of Mr. Gaines, the Senate adjourned until 10 o'clock to-morrow morning.

THOS. FLETCHER,
President.

* * *

Wednesday, *December* 15*th*, 1858.

The Senate met pursuant to adjournment.

Prayer by the chaplain.

The roll was called, when the following senators answered to their names:

Messrs. Askew, Carrigan, Clark, Craighead, Davies, Floyd, Gaines, Hampton, Humphreys, Jones, Marshall, McCreery, McColloch, Redmond, Stirman, Terry, Trimble, Watkins, Williams and Mr. President—20.

The journal of yesterday was read, approved and signed.

Petitions and memorials were in order.

Mr. Clark presented the following proceedings:

Town Hall, Des Arc,
November 29*th*, 1858.

At a call meeting of the board of mayor and aldermen of the town of Des Arc, present—George W. Vaden, mayor; John H. Quisenberry, John A. Frith, Sam Carr and A. S. Erwin, Aldermen, the following proceedings were had, to-wit:

The object of the meeting was explained to be, for the purpose of ordering an election to procure the sense of the voters of the town of Des Arc, as to whether this board shall issue bonds to the amount of one hundred thousand dollars to aid in the erection of a state house, provided, the legislature of the state shall, at its present session, permanently locate the seat of government at Des Arc.

It was then resolved by the board of mayor and aldermen of the town of Des Arc, that an election be held on Wednesday, the first of December, to ascertain the sense of the citizens of Des Arc, as to whether the board of mayor and aldermen should pledge the sum of one hundred thousand dollars, to aid in the erection of a capitol building, provided the legislature, now in session, permanently remove and locate at Des Arc, the capitol of the state of Arkansas. All those in favor of said subscription to vote "capitol," those opposed to vote "no capitol."

It was further resolved, that Mr. Morrill print the tickets to be used in said election, and also, hand-bills, giving notice of the time and place at which said election was to be held; and also that the proceedings of the meeting be furnished the Des Arc Citizen, for publication; after which the board adjourned.

G. M. ANDERSON,
Recorder, pro tem.

DES ARC, *December 2d,* 1858.

At a call meeting of the board of mayor and aldermen of the town of Des Arc, on this day, present—George W. Vaden, mayor; John H. Quisenberry, John A. Frith, Sam Carr and A. S. Erwin, aldermen; the following proceedings were had, to-wit:

The board being called to order by the mayor, the following preamble and resolutions were offered and adopted, to-wit:

"WHEREAS, At a special meeting of this board, on the 29th ult, a resolution was adopted ordering a special election to be held on the first day of December, 1858, to ascertain the sense of the people of Des Arc, as to whether this board should pledge the sum of one hundred thousand dollars, to aid in the erection of a capitol building, *Provided*, The legislature of the State of Arkansas shall permanently locate the capitol of the state at Des Arc.

And whereas, Said election was legally held by the town constable and other officers, and the whole vote of the town of Des Arc, with but two exceptions, was in favor of said subscription being made by this board, therefore

Be it resolved by the Board of Mayor and Aldermen of the town of Des Arc, That we pledge the faith of said corporation, to raise the sum of one hundred thousand dollars to aid in the erection of a capitol building, and that we will also give the ground upon which to erect said building; *Provided*, The capitol be located at the town of Des Arc, in Prairie county, Arkansas.

And be it further resolved, That the town recorder is hereby directed to prepare and authenticate a copy of these proceedings with the town seal attached, to be forwarded to the legislature, now in session; and

Resolved, That John C. Morrill and V. B. Dalrymple be appointed by the board of mayor and aldermen of the town of Des Arc, to present these resolutions to the legislature now in session.

The preamble and resolutions were unanimously carried, after which the board adjourned.

G. W. VADEN, *Mayor*,

J. E. Gatewood, *Recorder*, *pro tem.*

I, J. E. Gatewood, recorder, pro tem. do hereby certify that the above is a true and perfect transcript of the proceedings of the board of Mayor and aldermen of the town of Des Arc, at their meeting, held on the 29th ult., and on the 2d inst., and that the same appears of record in the recorder's office.

In witness whereof, I have hereunto set my hand as such recorder, and affixed the seal of the corporation, this the 2d of December, 1858.

J. E. GATEWOOD,
Recorder, *pro tem.*

Read and referred to the committee on ways and means.

Motions and resolutions were in order.

Mr. Clark offered the following

RESOLUTION:

Resolved, That the judiciary committee be instructed to inquire whether the act passed at the last session of the General Assembly, to reduce the rates of state tax repealed a special act authorizing the county court of Scott county to levy more than one fourth of one per cent. and that they be instructed to report it at as early a day as convenient.

Which was read, and on motion of Mr. Clark adopted.

Reports from standing committees were in order.

Mr. Hampton from the committee on internal improvements, made the following

REPORT:

Mr. President—

The standing committee on internal improvements, to whom was referred the bill to be entitled "an act to incorporate the Helena and Iron Mountain railroad company," have had the same under consideration, and propose to amend said bill by striking out of the last line of the first section, the words "*one hundred*," and inserting instead, the words "*ninety-nine*."

The committee further propose to amend by striking out all of the eleventh section, after the end of the thirteenth line—and the bill being so amended, I am instructed to recommend its passage.

HAMPTON,
Chairman.

Which report was read, and on motion of Mr. Hampton, the amendments to the bill were adopted, and the same, as amended, took its course under the rules.

Mr. Hampton, further from the committee on internal improvements, made the following

REPORT:

Mr. President—

The internal improvement committee, to whom was referred the bill to be entitled " an act to charter the Central Pacific Telegraph Company," have had the same under consideration, and propose to amend said bill, by striking out sections *ten* and *eleven* thereof, and the bill being so amended, I am instructed to recommend its passage.

HAMPTON,
Chairman.

Which report was read and Mr. Hampton moved the adoption of the amendmets, but after some discussion, withdrew his motion, and

Thereupon, Mr. Clark moved to reject the amendments, on which motion Mr. Trimble demanded the yeas and nays, and the demand being sustained the roll was called.

Yeas—Messrs. Clark, Floyd, Gaines, Redmond, Stirman and Terry—6.

Nays—Messrs. Askew, Carrigan, Craighead, Davies, Hampton, Humphreys, Jones, Marshall, McCreery, McColloch, Trimble, Watkins, Williams and Mr. President—14.

So the motion to reject the amendments was lost, and

Thereupon, on motion of Mr. Hampton, the same were adopted.

Mr. Redmond offered to amend the bill further, by "giving to the Memphis and Little Rock telegraph line, twenty-five dollars per mile, out of the state treasury, when said telegraph line shall be completed from Memphis to Little Rock, and the governor of this state be hereby authorized to direct the auditor to draw his warrant on the treasury for the same, in favor of said company."

Mr. Clark offered to amend the amendment by saying thirty-five dollars per mile, instead of twenty-five, which was accepted by Mr. Redmond.

Mr. Clark then moved to adopt the amendment as amended, whereupon, Mr. Humphreys demanded the yeas and nays, and the demand being sustained the roll was called.

YEAS—Messrs. Clark, Gaines, Jones, Redmond and Mr. President—5.

NAYS—Messrs. Askew, Carrigan, Craighead, Davies, Floyd, Hampton, Humphreys, Marshall, McCreery, McColloch, Stirman, Trimble and Williams—13.

So the amendment was lost.

On motion of Mr. Hampton the bill as amended was then read the third time and passed.

The following message was received from the House of Representatives, by their clerk:

Mr. PRESIDENT—

I am instructed to inform your honorable body, that the House of Representatives have assented to Senate bill No. 51, to be entitled "an act to repeal an act to amend an act entitled an act to authorize the county courts of the counties of Jackson, Crawford, Pope, Lafayette, Crittenden, Monroe, Columbia and Pulaski, to levy a road tax and for other purposes, and to revive and put in force all road laws in force at the passage of said act."

Which said bill is herewith returned.

The House of Representatives have passed House bill No. 55, entitled "an act to authorize the governor of this state, to select certain lands, and for other purposes."

Also, House bill No. 97, to be entitled "an act for the relief of L. C. Morgan, of Drew county, Arkansas."

Which said bills are herewith transmitted for the assent of your honorable body, which is respectfully asked.

The House of Representatives have adopted House joint resolution No. 43, relative to a mail route from Smithville in Lawrence county, via Sapp's store, in Fulton county, to Springfield, Missouri.

Which said resolution is herewith transmitted for the concurrence of your honorable body, which is respectfully asked.

S. M. SCOTT, *Clerk of*
House of Representatives.

Mr. Gaines from the committee on the judiciary, made the following

REPORT:

Mr. PRESIDENT—

The committee on the judiciary have considered House bill No. 135, and have instructed me to report it back to the Senate and recommend its passage.

GAINES,
Chairman.

Which report was read and received.

Mr. Davies offered to amend the bill by striking out the words "twenty-five hundred," in section 1, pertaining to the salary of the judges of the Supreme Court, and insert *three thousand* in lieu thereof.

Mr. Floyd moved to lay the amendment on the table, on which motion Mr. Davies demanded the yeas and nays, and the demand being sustained, the call was ordered.

YEAS—Messrs. Askew, Carrigan, Clark, Craighead, Floyd, Gaines, Hampton, Humphreys, Jones, Marshall, McCreery, McColloch, Redmond, Stirman, Trimble, Watkins and Mr. President—17.

NAYS—Messrs. Davies and Terry—2.

So the amendment was laid on the table.

On motion of Mr. Floyd, the bill was read the third time and the question being on its passage, Mr. Marshall called for the yeas and nays thereon, which being sustained the roll was called.

YEAS—Messrs. Askew, Clark, Craighead, Floyd, Gaines, Hampton, Jones, McCreery, McColloch, Redmond, Stirman, Terry, Watkins, and Mr. President—14.

NAYS—Messrs. Carrigan, Davies, Humphreys, Marshall and Trimble—5.

So the bill passed.

Mr. Gaines, from the committee on the judiciary, made the following

REPORT:

MR. PRESIDENT—

The committee on the judiciary to whom was referred Senate bill No. 17, have had the same under consideration and a majority of said committee have instructed me to report it back to the Senate and recommend its rejection.

The same committee have had under consideration a resolution, requesting said committee to report as to the constitutionalty of the law that this bill proposes to repeal, and I am requested by a majority of the committee to report it as their opinion that the said law is constitutional.

GAINES,
Chairman.

Which report was read and received.

Messrs. Clark and Williams, from the same committee, made the following minority

REPORT:

MR. PRESIDENT—

The undersigned, members of the judiciary committee, to whom was referred Senate resolution, requesting said committee to inquire into the constitutionality of the present law, which provides that no lands assessed for taxes, shall be valued at less than *three* dollars per acre, have had the same under consideration, and not having been able to arrive at the same conclusion on the subject that a majority of the committee have, beg leave, respectfully, to submit the following minority report:

Without any constitutional provision on the subject, all agree that each of the individuals who compose a civil community, should contribute to the support of the government in which he lives, according to the protection he receives, and his ability to pay. One would naturally suppose that, when the people, in their sovereign capacity, formed a constitution for their mutual benefit and protection, if any provisions were made therein, in regard to raising a revenue for the support of the government, each individual would be required to bear the burdens of the government in proportion to his protection, and means of paying the expenses. This common sense rule, it seems to us, will enable us to understand the provisions in our constitution on the subject of revenue.

The constitution provides that "*all* property, subject to taxation, should be taxed according to its *value*." It would only make one ridiculous, to attempt to make this provision more clear. A's land is worth one dollar an acre, B's is worth three dollars an acre; but, notwithstanding the constitution expressly delares that *all* property shall be taxed according to its *value*, still the law requires each tract to be valued at the same price and taxed at the same rates, and A's land is taxed at three times its *value*, and if taxing land at *three times* its *value* is taxing it *according* to its *value*, then this law is constitutional. If it is in the constitutional power of the legislature to provide by law that no land shall be valued at less than three dollars per acre in assessing it for taxes, it is equally competent for them to provide, by law, that no land shall be valued at less than three thousand dollars per acre; there is no difference in the principle. If the legislature can provide by law that no land shall be valued at less than three dollars per acre, they can also provide that no slave shall be valued at less than one thousand dollars; and who would risk his reputation as a lawyer in declaring that a law which imposes a tax on all slaves alike, be their value what it may, is in conformity with that provision of the constitution which says that *all* property shall be *taxed according* to its *value*.

Until it can be shown that to tax land at not less than three dollars an acre, and to tax land at its true value per acre, is one and the same proposition, and that to tax land at not less than three dollars an acre is to tax all land at its real and true value, it is useless to try to reconcile this law with the provisions of the constitution. But it is said the legislature may ascertain the value of property taxed. We do not so understand the constitution. But grant, for the sake of argument, that the legislature has the power under the constitution of ascertaining *value* of property taxed, it does not follow that it may ascertain a *false* or *fictitious* value. No logician will contend that to acertain the value of property and to ascertain a false value is one and the same thing, and if the legislature has the power to ascertain the value of property taxed, and by virtue of that power has the right to tax property at three times its value, that part of the constitution which provides that all property shall be taxed according to its value is without meaning and void.

The language of the constitution is, that "all property subject to taxation shall be taxed according to its value—that value to be ascertained in such *manner* as the General Assembly may direct, making the same equal and uniform throughout the state," from which we understand that the legislature may direct the mode or "*manner*" of ascertaining the *value* of property taxed, and not fix a true or false value on it. But we are told that the legislature has the power to prescribe the mode of ascertaining the value of property, and this gives it the power in a legislative capacity to fix the value of property taxed.

Even granting this, still we hold that the legislature could not fix a false value on property, but must ascertain the true value thereof. It will be admitted that the legislature is restricted by the constitution in the exercise of the taxing power—the supreme court has decided, in the 19th volume Arkansas reports, page 360, that the legislature is not restricted as to the selection of objects of taxation, and if they are not restricted in the valuation of property taxed, and the rates of taxation, in what does the restriction consist? Why insert in the constitution any thing in regard to the exercise of the taxing power? If the legislature is not restricted in the objects of taxation nor in the value of property taxed and the rates of taxation, what does the constitution mean? What security have the people against the most dangerous power ever exercised by any government?—that of taxing the people at pleasure. If the framers of our constitution intended the legislature to have an unrestricted power in levying taxes, and that they might tax whom they please, what they please, and fix what valuation or rates of taxation they please, have they not selected very singular and remarkable language to convey their meaning?

But, as if the framers of our constitution intended to guard and restrict the exercise of the taxing power by every possible form of expression so that it could not be abused by the legislature, they declare in the next clause that "no one species of property from which a tax may be collected shall be taxed higher than another species of property of equal value."

In order to make this, which is already easily understood, still more simple, and to bring it within the comprehension of the most ordinary minds, let us suppose that A owns a negro slave of the value of one thousand dollars, and B owns one thousand acres of land, also of the value of one thousand dollars—then let me ask if A's slave is not one species of property of a certain value and B's one thousand acres of land another species of property of equal value, does not the constitution declare that the one shall not be taxed higher than the other. But if B's land is taxed at three dollars an acre, it is taxed three times higher than the other species of property, (the slave) and the very letter and spirit of the constitution openly violated. This question has never been before our supreme court, but it is respectfully submitted that a number of cases involving the same principles have been adjudicated.

The following cases are relied on in support of the position taken in this report:

Gibson vs. The County of Pulaski, 2 *Ark. Rep.* 309; *Stevens & Woods vs. The State*, 2 *Ark. Rep.* 261; *Pike vs. The State*, 5 *Ark. Rep.* 204; *Washington vs. The State*, 13 *Ark. Rep.* 752; *The State of Arkansas vs. The County Court of Crittenden County*, 19 *Ark. Rep.* 360.

It is true that the precise point here under consideration was not before the court in any of these cases, but inasmuch as the power of the legislature, under the constitution, to raise a revenue by taxation was the question involved in each of the above cases, they may be referred to as a judicial exposition, and interpretation of that portion of the constitution under consideration.

In delivering the opinion of the court in the case of *Stevens & Woods vs. The State*, Ringo, chief justice, in commenting on that portion of the constitution now in question says:

"From this quotation it will be perceived that the legislature is bound by the constitution in fixing the state tax on property so to regulate it that every species or description of property subject to taxation, shall, according to its *value*, pay an *equal ratio* or *amount* of *revenue* to the state, or, in other language, *property* shall be *taxed according* to its *value*, and the tax thereon shall be *equal* and *uniform* throughout the state. This rule as to the state revenue, is inflexible, and leaves with the legislature no power to *discriminate and fix* upon *one description* or *species of property* a *greater tax* than *that* fixed by law on every other *description* or *species* of *property* of *equal value*, subject to taxation."

The same learned judge says, in delivering the opinion of the court in the case of *Pike vs. The State:*

"From the view which we have taken, not only of the provision above quoted, but of every part of the constitution, we consider the rule there prescribed to be this—that property of every character and description, upon which a state tax may be levied, must be taxed in *proportion* to its *real and true value*, and according to that *basis* be made to contribute to the revenue of the state."

In reviewing this case Judge Compton correctly says: "We declare the true rule of construction to be, that the legislature has power under the constitution to select the objects of taxation, and upon the exercise of this power, there is no constitutional restriction. When the legislature has selected the objects of taxation, then restrictions attach as to the imposition of taxes upon them, and the end intended to be accomplished is *equality* and *uniformity* in the taxation of *all property* taxed throughout the state, and not equality and uniformity throughout the state, as to the whole of each or any particular species of property, from which objects of taxation may have been selected. The *restrictions* relate to the *valuation* of the *property* taxed and to the *rate of taxation* imposed. They require ALL *property* selected for taxation to be *taxed according to its value*, and that the *rate* of taxation imposed shall not be fixed *higher* upon the *property* of one tax-payer than upon *that* of another, no matter whether the property be of the *same* or of a *different species*, and when this equality in *valuation* and *rate* has been observed, it necessarily follows that the taxation of property taxed is equal and *uniform*. See 19 *Ark. Rep.* 370."

The undersigned are not only satisfied that the law taxing land at not less than three dollars an acre is unconstitutional, but we are also of the opinion that it is unwise, unjust, unequal and oppressive, and should be repealed.

All of which is respectfully submitted,

GREEN J. CLARK.
D. C. WILLIAMS.

Which report was read and received.

Mr. Floyd moved to print two thousand copies of the same for the use of the Senate.

Mr. Carrigan offered to amend said motion by adding "and that the Senator from Mississippi be requested to write out his speech on the free negro bill, that the Senate may also have two thousand copies of that printed for distribution."

Which amendment was, on motion of Mr. Floyd laid on the table.

Mr. Marshall offered to amend the motion to print two thousand copies by saying *five hundred*, which amendment was accepted by Mr. Floyd.

Mr. Redmond moved to adjourn until 10 o'clock to-morrow morning; which motion was lost.

Mr. Gaines then moved to amend the motion to print, by saying that one hundred copies be printed for the use of the Senate, whereupon the yeas and nays were demanded, and the demand being sustained, the roll was called:

YEAS—Messrs. Davies, Floyd, Gaines, Marshall, McCreery, McColloch, Redmond, Stirman, Trimble, Williams and Mr. President—11.

Nays—Messrs. Askew, Carrigan, Craighead, Hampton, Jones, Terry and Watkins—7.

Mr. Clark asken to be, and was, excused from voting when his name was called.

So the motion to print one hundred copies of the report prevailed.

On motion of Mr. Stirman, the report of the majority of the committee was then adopted, and said Senate bill No. 17, to be entitled an act to provide for the *ad valorem* valuation of real estate, thereby rejected.

The following message was received from the House of Representatives, by the clerk:

Mr. President—

I am instructed to inform your honorable body that the House of Representatives have passed House bill No. 112, to be entitled an act to abolish the Fayetteville swamp land district, and annex the same to the Clarksville district of swamp lands.

Said bill is herewith transmitted for the assent of your honorable body, which is respectfully asked.

S. M. SCOTT, *Clerk of*
House of Representatives.

Tha following message was received from the Governor, by Richard H. Johnson, esq., to-wit:

Executive Office,
Little Rock, Arkansas,
15th December, 1858.

To the President of the Senate—

By the reports of the auditor and treasurer, it appears that swamp land scrip, purporting to have been issued by the three swamp land commissioners, who were appointed and acted under the act of 6th January, 1851, has been redeemed by the state treasurer, amounting to $382,840, being $12,080 more than the $370,760, which was the whole amount reported to have been issued by them. The commissioners were John W. Buckner, Creed Taylor and Cincinnatus Trousdale, the latter of whom has been dead for some years. I have received a communication from John W. Buckner, dated 14th December, 1858, and herewith transmit a copy of it, by which he asks that a full investigation be made, relative to the swamp land scrip redeemed at the state treasury. In making this investigation, it is very important that the scrip redeemed at the state treasury be carefully compared piece by piece, with the register and other records in the office of the swamp land secretary, as well as with the records in the office of state treasurer.

It is recommended that a full and thorough investigation be had as early as it can be done.

ELIAS N. CONWAY.

LITTLE ROCK, 14*th December*, 1858.

His Excellency E. N. CONWAY:

Dear Sir—Before leaving my home, to my surprise and astonishment, I was informed by a friend, who recently returned from the "Rock," "that there had been received, by the treasurer, more swamp land scrip than the board of commissioners had, in their settlement with the state, accounted for."

I was one of the board of commissioners, and have come expressly to explain the mystery, if possible, and have come prepared to prove to each committee of both branches of the legislature, that I have honestly and faithfully accounted to my adopted state for every dollar or every piece of scrip ever in my hands.

I therefore request your excellency to lay this before the legislature so that an investigation can be made as soon as possible.

I have written to my associate, Col. Taylor, on this subject, and am very sure that he can prove to the satisfaction of all, that he has also settled justly with the state.

I have the honor to be
your excellency's most ob't serv't,
(Signed,) JOHN W. BUCKNER.

On motion of Mr. Floyd, House bill No. 112, to be entitled an act to abolish the Fayetteville swamp land district, and annex the same to the Clarksville district of swamp lands, was taken up and read the first time.

On his further motion of the rules were twice suspended, the bill read the second and third times, by title, and passed.

Mr. President laid before the Senate the following communication from the auditor, to-wit:

AUDITOR'S OFFICE,
Little Rock, Arkansas,
December 15th, 1858.

Hon. THOMAS FLETCHER,
President of the Senate:

Sir—A copy of two resolutions passed by the honorable body over which you preside, has been furnished me by the secretary of that body.

In response to the first resolution, I have to say that the following named persons have been employed as clerks in this office since the first day of May last, viz: James A. Hutchings, H. C. Lowe, James Harper and J. W. Woodward. Mr. Hutchings was paid at the rate of $100 per month; Mr. Lowe at the rate of $83 33⅓ per month, and Mr. Harper at the rate of $50; which salaries were paid out of the appropriation to pay clerk hire in the auditor's office. Mr. Harper was employed during the month of May, at the end of which he quit. Mr. Woodward has been paid at the rate of $83 33⅓ per month, out of the swamp land fund, he having been employed exclusively in the swamp land department of this office.

The state treasurer has had one clerk employed in his office since the first May last, viz: A. J. Smith, whose salary has been paid out of the state treasury. He has been paid at the rate of $41 66⅔ per month.

In reply to the second resolution, I have to state, that the accounts for public printing, certified by the public printer, are accompanied by a certificate of the officer for whose office the printing was executed—thus, the governor certifies that the work has been done, and orders it payment; the secretary of state, reporter of supreme court, and other officers do the same. The public printer certifies that the work has been done according to law, and that the prices charged, are the rates fixed by the act under which it was executed.

Very respectfully, your ob't serv't,
W. R. MILLER,
Auditor.

On motion of Mr. Stirman, the Senate adjourned until 10 o'clock to-morrow morning.

THOS. FLETCHER,
President.

THURSDAY, *December* 16, 1858.

The Senate met pursuant to adjournment.

Prayer by the chaplain.

The roll was called, when the following Senators answered to their names:

Messrs. Askew, Carrigan, Clark, Craighead, Davies, Floyd, Gaines, Hammond, Hampton, Humphreys, Jones, Marshall, McCreery, McColloch, Redmond, Stirman, Terry, Trimble, Watkins, Williams and Mr. President—21.

The journal of yesterday was read, approved and signed.

On motion of Mr. Stirman, the resolution of the House, to take a recess on Tuesday the 21st inst., to meet again on the 11th of January, proximo, was taken up and read.

Mr. Askew moved to amend by adding this proviso:

Provided, That no member of this General Assembly shall receive any per diem pay during the recess, unless detained at the capitol by Providential causes.

Mr. Stirman moved to adopt the amendment.

Mr. Floyd moved to postpone it indefinitely; which motion having precedence, Mr. Marshall demanded the yeas and nays thereon, and the demand being sustained, the call was ordered:

YEAS—Messrs. Floyd, Jones and Terry—3.

NAYS—Messrs. Askew, Carrigan, Clark, Craighead, Davies, Gaines, Hammond, Hampton, Humphreys, Marshall, McCreery, McColloch, Redmond, Stirman, Trimble, Watkins, Williams and Mr. President—18.

So the motion to postpone indefinitely was lost.

Mr. McColloch offered to amend the amendment by adding the words " and that this resolution shall be presented to the governor, for his approval."

Which was accepted by Mr. Askew as a part of his amendment.

After some discussion, Mr. McColloch, on leave, withdrew his amendment to the amendment, and the question then recurring on the adoption of the amendment offered by Mr. Askew, the yeas and nays were called for by Mr. Humphreys, and the call being sustained, was made.

YEAS—Messrs. Askew, Carrigan, Clark, Craighead, Davies, Gaines, Hammond, Hampton, Humphreys, Jones, Marshall, McCreery, McColloch, Redmond, Stirman, Terry, Trimble, Watkins, Williams and Mr. President—20.

Mr. Floyd voted in the negative.

So the amendment was adopted.

Mr. Davies offered to amend the resolution further, by striking out the "11th of January," and inserting the "first Monday of April, A. D. 1859."

Mr. Stirman moved to lay the amendment on the table; which motion was lost.

Mr. Floyd moved to adopt it, which was also lost.

Mr. Stirman moved to amend the resolution by striking out the "21st of December," and inserting "Friday 24th," and by striking out "11th January, 1859," and inserting "Monday, 3d of January."

Which motion was lost.

Mr. Askew moved to amend the resolution by striking out the "11th January proximo" and inserting "1st day of June."

Which motion was lost.

Mr. Humphreys then moved to amend the resolution by striking out all after the word "Resolved" and insert "That this General Assembly do adjourn *sine diè* on Friday the 24th day of December next and that the House is requested to concur in this amendment."

Mr. Askew moved to adopt the amendment, but the motion did not prevail and the amendment was lost.

On motion of Mr. Gaines the word "House" was stricken out of the resolution and the words "General Assembly" inserted in lieu thereof.

Mr. Stirman then moved to concur in the resolution as amended, on which motion a demand for the yeas and nays was made and being sustained the roll was called.

Yeas—Messrs. Craighead, Gaines, Jones, McCreery, McColloch, Redmond, Stirman, and Mr. President—8.

Nays—Messrs. Askew, Carrigan, Clark, Davies, Floyd, Hammond, Hampton, Humphreys, Marshall, Terry, Trimble, Watkins and Williams—13.

So the motion to concur in the resolution as amended was lost.

The following Message was received from the House of Representatives by their clerk:

Mr. President—

I am instructed to inform your honorable body that the House of Representatives have passed House bill No. 60, to be entitled "an act to prevent frauds and oppression under color of judicial process."

Also House bill No. 115, to be entitled "an act in relation to minors who have no guardians:"

Which bills are herewith transmitted for the assent of your honorable body which is respectfully asked.

The House of Representatives have assented to Senate bill No. 9, to be entitled "an act in reference to harboring and concealing runaway slaves."

Which bill is herewith returned.

The House of Representatives have concurred in Senate joint resolution No. 11, relative to an act of Congress confirming sales of public lands entered under the graduation act within the limits of railroad grants, with an amendment thereto, in which the concurrence of your honorable body is respectfully asked.

Said resolution is herewith returned and the amendment herewith transmitted.

S. M. SCOTT, *Clerk of*
House of Representatives.

Mr. Clark from the committee on education made the following

REPORT:

Mr. PRESIDENT—

The committee on education, to whom was referred Senate bill No. 6, to be entitled an act to cause all school funds to be paid directly to the commissioners of common schools within the several counties have had the same under consideration and have instructed me to report the same back to the Senate and recommend its passage.

CLARK,
Chairman.

Which report was read and on motion of Mr. Clark adopted.

On motion of Mr. Floyd said Senate bill No. 6, was read the third time and passed.

Mr. Terry was called to the chair.

Mr. Gaines, from the committee on the judiciary, made the following

REPORT:

Mr. PRESIDENT—

The judiciary committee, to whom was referred Senate bill No. 76, have had the same under consideration and have instructed me to report the same back to the Senate and recommend its rejection.

GAINES,
Chairman.

Which report was read and on motion of Mr. Floyd adopted, said Senate bill No. 76, to be entitled an act authorizing sheriffs to convey persons arrested for felony to the keeper of the penitentiary for safe-keeping, was thereby rejected.

No. 106, Mr. Gaines, on leave, introduced Senate bill to be entitled an act to authorize the governor to subscribe for stock in certain railroads.

Which was read the first time.

On motion of Mr. Gaines the rules were suspended and the bill read the second time, by title.

Mr. Floyd moved to amend the first section by adding "and that forty thousand dollars be subscribed to the Little Rock and Fort Smith railroad company."

Mr. President offered to amend the amendment by adding, "that the further sum of fifty thousand dollars be subscribed to the Little Rock and Napoleon railroad company."

Which was accepted by Mr. Floyd as a part of his amendment, and on his motion the amendment so amended was adopted.

On motion of Mr. President the Senate adjourned until 10 o'clock to-morrow morning.

THOS. FLETCHER,
President.

FRIDAY, *December* 17, 1858.

The Senate met pursuant to adjournment.

Prayer by the chaplain.

Roll called.

PRESENT—Messrs. Askew, Carrigan, Clark, Craighead, Davies, Floyd, Gaines, Hammond, Hampton, Humphreys, Jones, Marshall, McCreery, McColloch, Redmond, Stirman, Terry, Trimble, Watkins, Williams and Mr. President—21.

The journal of yesterday was read, approved and signed.

Petitions from counties were in order.

Mr. McColloch presented the petition of the president and directory of the Mississippi, Ouachita and Red River railroad company, praying the General Assembly to pass an act enabling and requiring the county courts of Chicot, Drew, Bradly, Calhoun, Ouachita, Columbia and Lafayette as soon as the progress of the work demands it to provide for the opening and holding of an election by the qualified electors of said counties, upon the question of levying a tax on real and personal estate of such an amount and in such time as they shall designate as a county subscription in stock to said railroad, &c.

Which petition was read, and on motion of Mr. McColloch referred to the committee on internal improvements.

On motion of Mr. Craighead a select committee of three senators was appointed—to whom was referred the special message of the Governor accompanied by the letter of John W. Bucker, formerly swamp land commissioner, relative to the amount of scrip issued by the first board of commissioners—said committee being instructed to ascertain the amount of such scrip by examination of the records of the auditor, treasurer and swamp land secretary's office.

Mr. President appointed as such committee Messrs. Redmond, Hammond and Hampton.

Mr. Floyd moved to reconsider the vote of yesterday on the motion to concur in the resolution of the House, as amended by the Senate, to take a recess from the 21st inst., to the 11th day of January, next.

Before the motion was put Mr. Floyd moved a call of the Senate, which was made when it appeared that Mr. Jones was was absent without leave.

Messrs. Douglas, Pennington and Rosson were absent by leave of the Senate.

After a short time Mr. Jones appeared and a further call was suspended.

Mr. Floyd moved the previous question, whereupon the chair stated "shall the main question be now put?" which was decided in the affirmative.

The question being then on the motion to reconsider, Mr. Floyd demanded the yeas and nays, which demand was sustained and the roll called.

YEAS—Messrs. Askew, Craighead, Floyd, Gaines, Jones, McCreery, McColloch, Redmond, Stirman, Williams and Mr. President—11.

NAYS—Messrs. Carrigan, Clark, Davies, Hammond, Hampton, Humphreys, Marshall, Terry, Trimble and Watkins—10.

So the motion to reconsider prevailed.

Mr. Floyd then moved to concur in said resolution as amended by the Senate, and after some discussion moved the previous question, on which latter motion, Mr. Humphreys demanded the yeas and nays, and the demand being sustained they were ordered:

YEAS—Messrs. Askew, Carrigan, Clark, Floyd, Gaines, Hampton, Marshall, McCreery, McColloch, Redmond, Stirman, Trimble Watkins Williams and Mr. President—15.

NAYS—Messrs. Craighead, Davies, Hammond, Humphreys, Jones and Terry—6.

So the motion for the previous question prevailed, and thereupon the question was stated from the chair to be on the motion to concur in the resolution as amended, on which Mr. Humphreys called for the yeas and nays, and the call being sustained was made.

YEAS—Messrs. Askew, Craighead, Floyd, Gaines, Jones, McCreery, McColloch, Redmond, Stirman, Williams and Mr. President—11.

NAYS—Messrs. Carrigan, Clark, Davies, Hammond, Hampton, Humphreys, Marshall, Terry, Trimble and Watkins—10.

So the resolution as amended was concurred in.

The following message was received from the governor:

Mr. PRESIDENT—

I am instructed by the governor, to report to the Senate, that on the 16th December, 1858, he approved and signed " an act to incorporate the Fayetteville Female Institute."

" An act to prevent persons from hiring slaves to work and perform manual labor on the Sabbath day, without the consent of the owner or overseer."

" An act to grant relief to Elvira H. Brown as administratrix of the estate of William M. Brown, deceased, late sheriff of Marion county, Arkansas."

And a joint resolution instructing the joint committee on the auditor and treasurer's books to have the redeemed treasury warrants and state scrip and Arkansas bank paper, now in the treasurer's office, registered and burned, and the two State Bank bonds now in the treasury, taken from the securities of Samuel Adams, former state treasurer, registered, canceled, sealed up and filed away.

R. H. JOHNSON,
Private Secretary.

Mr. Clark offered the following

RESOLUTION:

Resolved, That the secretary of the Senate be authorized to employ another assistant secretary.

Which was read and on motion of Mr. Clark, adopted.

Mr. Clark, from the committee on education, made the following

REPORT:

Mr. PRESIDENT—

The committee on education, to whom was referred House bill No. 14, have had the same under consideration and have instructed me to report the same back to the Senate with an amendment, and with the amendment to recommend its passage.

GREEN J. CLARK,
Chairman.

Amendment:

Add, after the word "notwithstanding," at the conclusion of the first section of the bill the following proviso:

"*Provided*, That the county courts may make such additional compensation for taking care of such insane paupers as may be deemed just."

On motion of Mr. Clark, the amendment was adopted.

Mr. Hammond offered to amend the bill further, by adding to section one.

And that on the certificate of the clerk of the county court, the auditor shall draw his warrant on the treasury for two hundred dollars per year, which shall be appropriated to the support of the pauper in that county.

Which amendment was not adopted.

Mr. Redmond offered to amend the bill by an additional section, to-wit:

SECTION 2. *Be it further enacted*, That any county now without a poor house, which may hereafter have one, shall also be entitled to the benefit of the provisions of this act.

Which was adopted.

On motion of Mr. Trimble, the bill was read the third time as amended and passed.

Mr. Floyd, from the committee on public printing, made the following

REPORT:

MR. PRESIDENT—

The standing committee on public printing, to whom was referred the resolution to make an appropriation of one thousand dollars, for the binding of the report of the geological survey, have had the same under consideration and have instructed me to report the following substitute and recommend its passage.

FLOYD,
Chairman.

Substitute:

Resolved by the General Assembly of the State of Arkansas, That three thousand copies of the geological report be bound in substantial muslin binding, for the use of the members of this General Assembly, to be distributed—and that Henry Jacobi, who was the lowest bidder for said binding, he having agreed to do it at twenty cents per volume, is hereby employed to do the same.

Resolved further, That the secretary of the Senate and the clerk of the House of Representatives shall immediately procure from the public printer, three thousand copies of the Geological Report, and have the same bound at the book bindery of Henry Jacobi, and when bound, the same shall be delivered to said secretary and clerk; if the same shall be found to be as well bound in all respects, as the volumes already bound as specimens, they shall certify the account of said binder, to the auditor who shall draw his warrant on the treasurer for the amount of the same.

Resolved further, That the governor be, and he is hereby authorized to have the remaining two thousand copies of the Geological Report bound in such style and manner as he may think proper, for distribution throughout the different states of the Union, and to the embassy's and the scientific institutions of the world, and that the governor deliver to the state geologist such a number of said Geological Report, for distribution amongst the scientific men and institutions of the world, as he may thing proper.

Be it further resolved, That the sum of one thousand dollars be, and the same is hereby appropriated out of any money in the treasury not otherwise appropriated, to carry into effect the objects of this resolution.

Which report and substitute were read, when Mr. Floyd moved their adoption.

Mr. Craighead moved to postpone them until the first Saturday in January next, which motion having precedence, Mr. Floyd called for the yeas and nays thereon.

Sustained and ordered.

Yeas—Messrs. Askew, Carrigan, Craighead, Davies, Humphreys and Jones—6.

Nays—Messrs. Clark, Floyd, Gaines, Hammond, Hampton, Marshall, McCreery, McColloch, Redmond, Stirman, Terry, Trimble, Watkins, Williams and Mr. President—15.

So the motion to postpone was lost, and thereupon Mr. Humphreys called for the yeas and nays on the motion to adopt the report and substitute, which was sustained and the roll called.

Yeas—Messrs. Clark, Floyd, Gaines, Hammond, Hampton, McCreery, McColloch, Redmond, Stirman, Terry, Trimble and Mr. President—12.

Nays—Messrs. Askew, Carrigan, Craighead, Davies, Humphreys, Jones, Marshall, Watkins and Williams—9.

So the report and substitute were adopted and the original resolution thereby rejected.

Mr. Floyd then moved to pass the substitute resolution, and Mr. Humphreys demanded the yeas and nays thereon, which demand was sustained and the roll called.

Yeas—Messrs. Clark, Floyd, Gaines, Hammond, Hampton, McCreery, McColloch, Redmond, Stirman, Terry, Trimble and Mr. President—12.

Nays—Messrs. Askew, Carrigan, Craighead, Davies, Humphreys, Jones Marshall, Watkins and Williams—9.

So the substitute resolution passed the Senate.

On motion of Mr. Redmond, the Senate then adjourned until 9 o'clock to-morrow morning.

THOS. FLETCHER,
President.

* * *

Saturday, *December* 18, 1858.

The Senate met pursuant to adjournment.

Prayer by the chaplain.

The roll was called, and the following Senators answered to their names:

Present—Messrs. Askew, Carrigan, Clark, Craighead, Davies, Floyd, Gaines, Hammond, Hampton, Humphreys, Jones, Marshall, McCreery, McColloch, Redmond, Stirman, Terry, Trimble, Watkins, Williams and Mr. President—21.

The journal of yesterday was read, approved and signed.

Reports from standing committees were in order.

Mr. Terry, from the committee on public printing made the following

REPORT:

Mr. President—

The committee on public printing, to whom was referred the petition of Henry Jacobi, beg leave to report a bill for his relief, to be entitled an act for the relief of Henry Jacobi.

TERRY,
Chairman.

No. 107. Which report was read and adopted, and the bill reported was read the first time.

On motion of Mr. Terry, the rules were suspended and the bill read the second time, by title, and ordered to take its course under the rule.

Mr. Trimble, from the committee on enrollment, made the following

REPORT:

Mr. PRESIDENT—

The committee on enrollment did, on the 15th inst., hand to the governor, for his approval, Senate bill No. 4.

Also, Senate joint resolution No. 20.

Also, Senate bill No. 34.

Also, Senate bill No. 66.

Also, House bill No. 79.

Also, House bill No. 188; and have instructed me to report the same.

J. S. TRIMBLE,
Chairman.

Which report was read and received.

Mr. Floyd, from a select committee, made the following

REPORT:

Mr. PRESIDENT—

The select committee of four, to whom was referred Senate bill No. 8, concerning free negroes, have had the same under consideration, and two of the committee would most respectfully report the same back to the Senate, with the accompanying amendment, and, as amended, recommend its passage.

WM. W. FLOYD, *Chairman.*
GREEN J. CLARK.

AMENDMENT:

Insert, between the words "county" and "and" in section 5, the following:

"Or require security in the sum of one thousand dollars for their appearance before the circuit court of the proper county, to answer any indictment by the grand jury, who are hereby required to prefer a bill of indictment, charging them with being vagrants and a nuisance, for which they have forfeited their freedom; and the circuit court shall proceed to try and determine the charge, and, if found guilty, the sheriff."——

Which report and amendment were read, and Mr. Clark moved to adopt the amendment; but, on motion of Mr. Gaines, the same, with the bill, was postponed until Mondav next.

Mr. Gaines, from a select committee, made the following

REPORT:

Mr. President.

The select committee, to whom was referred that portion of the governor's message which related to a geological survey, beg leave to report a bill to be entitled an act to provide for the further prosecution of the geological, mineralogical and chemical survey of the State of Arkansas, in connection with an agricultural and botanical survey of said state, and recommend its passage.

GAINES,
Chairman.

No. 108. Which report was read and received, and the bill reported was read the first time.

On motion of Mr. Gaines, the rules were suspended, and the bill read the second time, by title, and one hundred copies ordered to be printed.

Mr. Williams, from the committee on claims, made the following

REPORT:

Mr. President—

A majority of the standing committee on claims, to whom was referred House bill No. 35, have had the same under consideration, and have instructed me to report it back to the Senate, without amendment, and to recommend its passage.

WILLIAMS,
Chairman.

Which report was adopted, and said House bill No. 35, to be entitled an act for the relief of James H. Hearndon, was, on motion of Mr. Marshall, read the third time and passed.

Mr. Clark, from the committee on education, made the following

REPORT:

Mr. President—

The committee on education, to whom was referred Senate bill No. 20, to be entitled an act to cause commissioners of common schools to loan all moneys at 10 per cent., and renew all obligations and notes in the month of January in each year, have had the same under consideration, and have instructed me to report the same back to the Senate and recommend its passage.

CLARK,
Chairman.

Which report was adopted, and, on motion of Mr. Floyd, said Senate bill No. 20, was read the third time and passed.

The introduction of bills was in order.

No. 109. Mr. Davies introduced Senate bill, to be entitled an act to incorporate the town of Gainesville, in the county of Greene.

Which was read the first time.

On motion of Mr. McColloch, the rules were suspended, and the bill read the second time, by title, and referred to the committee on the judiciary.

Message from the House of Representatives by their clerk:

Mr. President—

I am instructed to inform your honorable body that the House of Representatives have passed the following House bills, viz:

No. 101, to be entitled "an act the more effectually to prevent the carrying of concealed weapons in the State of Arkansas."

No. 213, to be entitled "an act to amend an act to incorporate the town of Hamburg, in Ashley county, approved December, 14th, 1854."

No. 214, to be entitled "an act to increase the pay of the county and probate judge of the county of Benton."

No. 215, to be entitled "an act for the benefit of township 12, south of range 10 west, in the county of Bradley, State of Arkansas."

No. 221, to be entitled "an act to grant a charter to Jonathan Hardin to build a toll-bridge across Cadron creek, in Conway county."

No. 222, to be entitled "an act for the benefit of the Princeton Male and Female Academies."

Which said six bills are herewith transmitted for the assent of your honorable body, which is respectfully asked.

S. M. SCOTT, *Clerk of*
House of Representatives.

No. 110. Mr. Jones introduced a bill, to be entitled an act for the relief of the administrator and heirs at law of G. V. C. Johnson deceased.

Which was read the first time.

On motion of Mr. Jones, the rules were suspended, and the bill read the second time by title, and,

On motion of Mr. Clark, it was referred to the committee on claims.

No. 111. Mr. Terry introduced Senate bill to be entitled an act to give each editor of a newspaper in the State of Arkansas a copy of the Report of the Geological Survey of said state.

Which was read the first time.

On motion of Mr. Terry, the rules were suspended, the bill read the second time, by title, and referred to the select committee to whom was referred so much of the governor's message as relates to the Geological survey of the State of Arkansas.

No. 112. Mr. Askew introduced Senate bill to be entitled an act to refund moneys received for lands sold by the state by mistake.

Which was read the first time.

On motion of Mr. Askew, the rules were suspended, and the bill read the second time, and referred to the committee on claims.

No. 113. Mr. Clark introduced Senate bill, to be entited an act to modify an act entitled an act to authorize the county courts of Jefferson, Scott, Sebastian, Chicot, Hempstead and Randolph counties to levy a road tax, and for other purposes, approved 15th day of January, A. D. 1847.

Which was read the first time, by title.

On motion of Mr. Clark, the rules were suspended, the bill read the second time by title and referred to the committee on the judiciary.

On motion of Mr. Craighead, a call of the Senate was made, when it appeared that Messrs. Gaines, Jones, Marshall, McColloch, Redmond, Stirman and Williams were absent without leave.

Messrs. Douglas, Pennington and Rosson were absent by leave of the Senate.

On motion of Mr. Hammond, the door-keeper was instructed to procure the attendance of the absentees, and, having gone in search of them, soon returned with Messrs. Gaines, Jones, Marshall, Redmond, Stirman and Williams.

After a short time, Mr. McColloch also appeared, and the further call of the Senate was, on motion of Mr. Floyd, suspended.

Mr. Floyd was called to the chair.

No. 114. Mr. President introduced Senate bill, to be entitled an act to exempt Jefferson county from the operations of an act entitled an act to authorize the county courts of Jefferson, Scott, Sebastian, Chicot, Hempstead and Randolph counties to levy a road tax, approved January 15th, 1857.

Which was read the first time; and, on his motion, the rules were suspended and the bill read the second time by title, when

Mr. Davies offered to amend the bill by extending its provisions to the county of Randolph.

Which amendment was adopted; and, on motion of Mr.

President, the bill was read the third time, as amended, and passed.

On motion of Mr. Hammond, House bill No. 43, to be entitled "an act to change the time of holding the probate court of Saline county," was taken up, and read the first time.

On the further motion of Mr. Hammond, the rules were twice suspended, the bill read the second and third times, by title, and passed.

On motion of Mr. Hampton, the amendment proposed to the constitution of the State of Arkansas, by the last General Assembly, to the effect "that no county, now established by law, shall be deemed or considered unconstitutional on account of its containing a less number of square miles than 900," was taken up, and read the third time, and the yeas and nays ordered thereon.

Those senators who voted in favor of ratifying said amendment, were

Messrs. Askew, Carrigan, Clark, Craighead, Davies, Floyd, Gaines, Hammond, Hampton, Humphreys, Jones, Marshall, McCreery, Stirman, Trimble, Watkins, Williams and Mr. President—18.

No senator voted in the negative.

Whereupon, the chair announced that said proposed amendment was duly and constitutionally ratified by the Senate; and the secretary was instructed to inform the House of Representatives thereof.

On the further motion of Mr. Hampton, the amendment to the constitution of Arkansas, proposed by the last General Assembly, to the effect "that the State of Arkansas shall not be sued in any of its courts," was taken up and read the third time.

On motion of Mr. Hampton, a call of the Senate was had, when it appeared that Messrs. McColloch, Redmond, Stirman and Terry were absent without leave.

The door-keeper was sent for said absentees, and soon returned with them, and the call was suspended.

The yeas and nays were then ordered on the ratification of the foregoing amendment to the constitution.

Those senators who voted for such ratification, were

Messrs. Carrigan, Clark, Davies, Floyd, Gaines, Hammond, Humphreys, Jones, Marshall, McCreery, McColloch, Redmond, Stirman, Terry, Trimble, Watkins, Williams and Mr. President —19.

Those voting in the negative, were Messrs. Askew, and Craighead—2.

Whereupon the chair announced that said proposed amendment was duly and constitutionally ratified by the Senate, and the secretary was instructed to inform the House of Representatives thereof.

On motion of Mr. Stirman, the Senate took a recess until 11 o'clock, a. m.

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11 O'CLOCK, A. M.

The Senate convened.

The following message was received from the House of Representatives by the clerk:

Mr. PRESIDENT—

I am instructed to inform your honorable body that the House of Representatives are now ready to receive your honorable body in their hall, to go into the election of swamp land agents of the several swamp land districts of this state, except the Fayetteville district, agreeably to previous joint resolution adopted by the two houses.

S. M. SCOTT, *Clerk of House of Representatives.*

On motion of Mr. Floyd, the Senate proceeded to the hall of the House of Representatives, where, being seated, the Presi- of the Senate announced the object of the convention to be the election of state land agents, and stated "nominations for state land agent of the Batesville district were in order."

Mr. Stirman nominated Robert A. Johnson.

Mr. Davies nominated W. W. Alexander.

Mr. Trimble nominated A. J. Gainer.

No other nominations being made, the rolls were called, when it appeared that on joint ballot, Robert A. Johnson had received 14 votes; W. W. Alexander, 52 votes, and A. J. Gainer, 20 votes.

Those Senators who voted for R. A. Johnson, were

Messrs. Askew, Carrigan, Clark, Jones, McCreery, McColloch, Redmond and Stirman—8.

Those voted for W. W. Alexander, were

Messrs. Davies, Floyd, Hammond, Hampton, Humphreys, Marshall, Williams and Mr. President—8.

Those who voted for A. J. Gainer, were

Messrs. Craighead, Gaines, Terry, Trimble and Watkins—5.

In the House, R. A. Johnson received 6 votes; W. W. Alexander, 44 votes, and A. J. Gainer, 15 votes.

Whereupon, the President announced that W. W. Alexander having received a majority of all the votes cast, was duly and legally elected state land agent for the Batesville district, for and during the term prescribed by law.

Mr. President announced that nominations for land agent for the Clarksville district, were in order.

Mr. Floyd nominated Laban C. Howell.

No other nominations being made, the rolls of the respective houses were called, when it appeared that, on joint ballot, Laban C. Howell received 86 votes.

Those Senators voting for Laban C. Howell, are

Messrs. Askew, Carrigan, Clark, Craighead, Davies, Floyd, Gaines, Hammond, Hampton, Humphreys, Jones, Marshall, McCreery, McColloch, Redmond, Stirman, Terry, Trimble, Watkins, Williams and Mr. President—21.

Mr. McRae of the House asked to be, and was, excused from voting.

In the House, Laban C. Howell received 65 votes.

Whereupon, the President of the Senate announced that Laban C. Howell having received all the votes cast in the convention, was duly and legally elected land agent of the Clarksville district, for and during the term prescribed by law.

The President of the Senate then announced that nominations for land agent of the Little Rock district were in order.

Whereupon Mr. Humphreys nominated Thomas Halliburton.

Mr. Griffin of the House nominated B. F. Owen.

Mr. Johnson of Desha, in the House, nominated John Hutt.

Mr. Reynolds of the House nominated J. H. Blakeney.

Mr. McCreery nominated I. M. Moore.

No other nominations being made, the rolls of both houses were called, when it appeared that, on joint ballot, Thomas Halliburton had received 14 votes; B. F. Owen, 45 votes; John Hutt, 9 votes; J. H. Blakeney, 2 votes, and I. M. Moore 17 votes.

Those senators who voted for Thomas Halliburton, are

Messrs. Floyd, Hammond, Humphreys, McColloch and Mr. President—5.

Those voting for B. F. Owen, are

Messrs. Askew, Clark, Jones, Marshall, Redmond, Stirman and Watkins—7.

Those voting for John Hutt, are

Messrs. Craighead, Gaines, Hampton and Terry—4.

Those voting for I. M. Moore, are

Messrs. Carrigan, Davies, McCreery, Trimble and Williams–5.

In the House Thomas Halliburton received 9 votes; B. F. Owen, 38 votes; John Hutt, 5 votes; J. H. Blakeney, 2 votes, and I. M. Moore, 12 votes.

Whereupon the President of the Senate announced that B. F. Owen having received a majority of all the votes given, was duly and legally elected land agent for the Little Rock district for and during the term prescribed by law.

The President of the Senate then announced that nominations for land agent of the Washington district were in order.

Whereupon Mr. Johnson of Pulaski, in the House, nominated James M. Killgore.

Mr. Stuart of the House nominated Robert L. Pegues.

No other nominations being made, the rolls of both houses were called, when it appeared that, on joint ballot, James M. Killgore had received 83 votes, and Robert L. Pegues, 3 votes.

Those senators voting for James M. Killgore, are

Messrs. Askew, Carrigan, Clark, Craighead, Davies, Floyd, Gaines, Hammond, Hampton, Humphreys, Jones, Marshall, McCreery, McColloch, Redmond, Stirman, Terry, Trimble, Watkins, Williams and Mr. President—21.

No senator voted for Robert L. Pegues.

In the House James M. Killgore received 62 votes, and R. L. Pegues 3 votes.

Whereupon the President of the announced that James M. Killgore having received a majority of all the votes given was duly and legally elected land agent of the Washington district for and during the term prescribed by law.

The President having announced that nominations for the Champagnolle district were in order,

Thereupon Mr. Saxon of the House nominated V. L. Kelly.

Mr. Abbott of the House nominated H. W. Ashley.

Mr. Killgore of the House nominated R. F. Richardson.

No other nominations being made, the rolls of both houses were called, when it appeared that, on joint ballot, V. L. Kelly had received 67 votes; H. W. Ashley, 7 votes, and R. F. Richardson, 11 votes.

Those senators voting for V. L. Kelly, are

Messrs. Askew, Carrigan, Clark, Craighead, Davies, Floyd, Hammond, Humphreys, Jones, Marshall, McCreery, McColloch, Redmond, Stirman, Trimble, Watkins and Williams—17.

Mr. President voted for H. W. Ashley—1.

Those voting for R. F. Richardson, are

Messrs. Gaines, Hampton and Terry—3.

In the House V. L. Kelly received 50 votes; H. W. Ashley, 6 votes, and R. F. Richardson, 8 votes.

Mr: Embree of the House voted for "*Macbeth*."

Whereupon the President announced that V. L. Kelly having received a majority of all the votes given, was duly and legally elected land agent of the Champagnolle district, for and during the term prescribed by law.

The President of the Senate having stated that nominations for land agents of the Helena district were in order.

Mr. Redmond nominated John C. O. Smith.

Mr. Gaines nominated Thomas C. Flournoy.

Mr. Dunn of the House nominated Edward W. Mallory.

No other nominations being made, the rolls of the two houses were called, when it appeared that, on joint ballot, John C. O. Smith had received 47 votes; Thomas C. Flournoy, 31 votes, and Edward W. Mallory, 4 votes.

Those senators voting for John C. O. Smith, are

Messrs. Askew, Carrigan, Davies, Floyd, Hammond, Hampton, Jones, McColloch, Redmond, Stirman, Terry, Watkins and Williams—13.

Those voting for Thomas C. Flournoy, are

Messrs. Craighead, Gaines, Humphreys, Marshall, McCreery, Trimble and Mr. President—7.

Mr. Clark voted for Edward W. Mallory—1.

Mr. McCammon of the House voted for "*Mrs. Partington.*"

Messrs. Gordon, McRae, Murphy and Savage, of the House, asked to be, and were, excused from voting.

In the House, John C. O. Smith received 34 votes; Thomas C. Flournoy, 24 votes, and Edward W. Mallory, 4 votes.

Whereupon the President of the Senate announced that John C. O. Smith having received a majority of all the votes given, was duly and legally elected land agent for the Helena district for and during the term prescribed by law.

The object of the convention having been accomplished, the Senate withdrew from the hall of the House of Representatives and returned so their chamber.

On motion of Mr. Floyd, the Senate adjourned until Monday morning 9 o'clock.

THOS. FLETCHER,
President.

◆

MONDAY, *December* 20, 1858.

The Senate met pursuant to adjournment.

Prayer by the chaplain.

The roll was called, when the following senators answered to their names:

Messrs. Askew, Clark, Craighead, Davies, Floyd, Gaines, Hammond, Hampton, Humphreys, Jones, Marhall, McCreery, McColloch, Redmond, Stirman, Terry, Trimble, Watkins and Mr. President—19.

On motion of Mr. Hampton, leave of absence was granted to Mr. Carrigan for one day.

The journal of Saturday, except the ballotings for land agents, the reading of which was on motion of Mr. Terry dispensed with, was read, approved, and signed.

Petitions from counties were in order.

Mr. Watkins presented the petition of William W. Rose and Johnson Chapman of Chicot county, representing that on the 7th day of May, A. D., 1842, Daniel W. Hampton with Benjamin P. Gaines and the said William W. Rose as his securities executed their promissory note to the Bank of the State of Arkansas, for the sum of four hundred and thirty dollars with interest thereon from date at the rate of ten per cent. per annum, payable on the——day of——A. D. 184—, that the said Hampton paid said note after a judgment but that execution was issued thereon and the amount again paid by the petitioners. They therefore pray the General Assembly to order said sum to be refunded to them by an act for that purpose.

Which petition was read and on motion of Mr. Gaines referred to the committee on claims.

Mr. Watkins also presented the petition of twenty-six citizens of Carroll county, praying the General Assembly to pass a law, or amend the present law, so as to change the manner of selling school lands, that cannot be sold at the prices now prescribed by law, &c.

Which petition was read, and on motion of Mr. Watkins referred to the committee on education.

On motion of Mr. Floyd Senate bill No. 8, to be entitled "an act to exclude from residing in the State of Arkansas, all free colored persons, mulattoes and negroes of the African race, and for other purposes"—and the amendment thereto pending, were taken up and the amendment read, and

On motion of Mr. Floyd adopted.

On motion of Mr. Floyd the bill was then read the third time as amended; and, thereupon,

Mr. Floyd moved the previous question, and,

Mr. Askew called for the yeas and nays thereon, but before the call was sustained,

On motion of Mr. Floyd a call of the Senate was made when it appeared that Messrs. Craighead, Gaines, Hammond and Williams were absent without leave.

On motion of Mr. Floyd the door-keeper was sent in quest of the absentees and soon returned with them.

When a further call was on motion of

Mr. Floyd suspended.

Mr. Floyd then withdrew his motion for the previous question, and the bill was discussed at length by Mr. Clark for and Messrs. Askew and Humphreys against its passage.

During the discussion Mr. Hampton was called to the chair, and

The following message was received from the House of Representatives by their clerk:

Mr. President—

I am instructed to inform your honorable body that the House of Representatives have refused to concur in Senate amendment to House resolution to take a recess from Tuesday, 21st inst., to 11th of January, proximo.

S. M. SCOTT, *Clerk of*
House of Representatives.

At the conclusion of the discussion Mr. Terry moved to adjourn until to-morrow morning ten o'clock, on which motion Mr. Floyd demanded the yeas and nays which was sustained and the roll called.

Yeas—Messrs. Askew, Craighead, Gaines, Hammond, Hampton, Humphreys, Terry—7.

Nays—Messrs. Carrigan, Clark, Davies, Floyd, Jones, Marshall, McCreery, McColloch, Stirman, Trimble, Watkins, Williams and Mr. President—13.

So the motion to adjourn was lost.

Mr. Stirman moved that the Senate take a recess till 2½ o'clock, P. M.

Which motion was lost.

Mr. Marshall then moved that the Senate adjourn till to-morrow morning 9½ o'clock.

On which motion Mr. Floyd demanded the yeas and nays.

Which demand was sustained and the roll called.

Yeas—Messrs. Askew, Craighead, Davies, Gaines, Hammond, Hampton, Humphreys, Jones, Marshall, McCreery, Terry and and Trimble—12.

Nays—Messrs. Carrigan, Clark, Floyd, McColloch, Stirman, Watkins, Williams and Mr. President—8.

So the Senate adjourned until 9½ o'clock to-morrow morning.

THOS. FLETCHER,
President.

Tuesday, *December* 21*st*, 1858.

The Senate met pursuant to adjournment.

Prayer by the chaplain.

Roll called.

Present—Messrs. Askew, Carrigan, Clark, Craighead, Davies, Floyd, Gaines, Hammond, Hampton, Humphreys, Jones, Marhall, McCreery, McColloch, Redmond, Stirman, Terry, Trimble, Watkins, Williams and Mr. President—21.

The journal of yesterday was read, approved and signed.

Message was received from the House of Representatives, by the clerk:

Mr. President—

I am instructed to inform your honorable body that the House of Representatives have re-considered the vote of non-concurrence in Senate amendment to House resolution to take a recess from Tuesday, 21st inst., to January, 11th, 1859;

and request your honorable body to return the message informing the Senate of said concurrence.

S. M. SCOTT, *Clerk of*
House of Representatives.

On motion of Mr. Gaines, the secretary of the Senate was instructed to return the message in compliance with the request of the House of Representatives.

Mr. Floyd moved to suspend the regular order of business, in order that the Senate might resume the consideration of Senate bill No. 8, relative to excluding from residing in this State mulattoes and free negroes; which motion was lost.

Petitions from counties were in order.

Mr. Hampton presented the petition of Creed Taylor, representing that he had heard with surprise and regret that an excess of swamp land scrip has been paid into the State treasury, more than was accounted for as issued by the old or first board of swamp land commissioners, of which board he was a member; and asking the appointment of a committee or some person to investigate the records of said commissioners and report the facts.

Which petition was read and laid upon the table for the present.

Mr. Gaines asked to be, and was excused from serving on the committee on swamp and overflowed lands; and on his motion the names of Messrs. Davies and Marshall were added to said committee.

Mr. Watkins, from the committee on the penitentiary made the following:

REPORT:

Mr. President—

Your committee on the penetentiary have carefully examined and enquired into the condition of the penitentiary and its inmates, of this state; and, in justice to the present contractors, Messrs. George & Robins, we find the same in good condition. But I am instructed to report to the senate that, in the opinion of said committee, this institution has been very unwisely and injudiciously managed, as far as the state is concerned; that, under the present policy, in regard to it, the penitentiary is an enormous expense to the state, and in every aspect of the subject, a curse and a tax to the country, and that a radical change should, if possible, be effected.

By reference to the reports of the proper officers, and the various appropriations made by this state, since the year one thousand, eight hundred and forty-six, to the present session of this General Assembly, it will show that the sum of about one hundred and fifty thousand dollars has been expended from the treasury of the state in the establishment, support and maintenance of this institution; and, if one dollar has ever accrued to the state therefrom, your committee are wholly unadvised of it, and are unable to learn, from official reports, or otherwise, that the state has ever been benefited to the extent of one cent as a revenue from the penitentiary.

Other large appropriations are now asked at the hands of this General Assembly for the penitentiary, by those having control of it, but we have no promise, or in other words, hope, from any data furnished us, that the state will ever reap any particular benefit from such expenditures, or that the penitentiary will ever cease to be an incubus, a cancer, and a leech upon the state treasury, under the present system.

To relieve the state from this enormous expense, and to render the penitentiary a source of revenue instead of an expense to the state, your committee would most respectfully suggest that an act, which will accompany this report, be passed by this General Assembly—authorizing the governor to lease the penitentiary ground, buildings, convicts, etc., to some responsible person or persons, for as large a sum, to be paid into the state treasury, as he can stipulate, upon the following conditions, viz:

That the lessee comfortably clothe and feed the convicts, procure for them competent medical aid in case of sickness, keep them carefully confined, and provide constant employment for them, at some useful trade, during usual working hours of the day.

And save the state harmless and indemnified against any and all loss, damage, or expenditures in respect thereof; and, in consideration thereof, to allow said lessee or contractors the proceeds of all the work and labor of said convicts.

In support of the policy above suggested or recommended, your committee beg leave to submit a few further facts and arguments for the consideration of your honorable body.

There is now a large substantial wall around the penitentiary, as also an abundance of work-shops, cells for prisoners, and all other buildings, appurtenances, etc., etc., amply sufficient in quality, size and condition for all needful purposes, and for which the state has paid very dearly.

There are now in the penitentiary, according to the report of the keepers, ninety (90) convicts, most of whom are able bodied men, engaged in lucrative trades; and many of whom are the best of mechanics, whose work, labor and skill, if properly managed, would yield a vast amount of money to the contractor or lessee; consequently this institution, if properly managed, would yield a revenue to the State of Arkansas.

With such facilities for trade as the penitentiary buildings, work-shops and convicts afford, a man of the least financial abilities, could pay the state sevaral thousand dollars per annum, and then make money—thousands of dollars for himself, as your committee honestly believe, and so report. Under this system, some of the states in this Union are realizing some ten or twelve thousand dollars per annum, as a bonus in the state treasury.

From the petition of the convicts, as submitted to your committee, it appears that they (the convicts) desire the services of a chaplain for religious instructions; and, your committee, having tender compassion on such poor unfortunate human beings, would earnestly recommend that their prayer be granted, and that the sum of $150 per annum be appropriated for that purpose.

Upon examination, your committee find that a good cistern that will contain from forty to fifty thousand gallons of water, with a good force pump, is requisite for the convenience and health of the convicts; and that an appropriation of $600, for that purpose, is also earnestly recommended.

Your committee deem any other or further appropriations unnecessary, and recommend the rejection of the applications made by the present contractors for large sums of money for other purposes.

All of which is very respectfully submitted to your honorable body, and your committee ask to be discharged from any further consideration upon this subject.

W. W. WATKINS,
Chairman.

No. 115. Which report was accompanied by the following bill, to-wit:

A bill to be entitled an act to provide for the management and control of the Penitentiary.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas,* That the governor of this state be, and he is hereby authorized and required to enter into and contract with some suitable person or persons, upon the terms hereinafter stated, that he be authorized to lease the penitentiary grounds, buildings and convicts, for the term of four years, to some responsible person, or persons, for as large a sum of money, to be paid quarterly into the state treasury, as he can stipulate for, upon giving a reasonable notice through the various newspapers to bidders.

SEC. 2. *Be it further enacted,* That the governor is hereby authorized and required to contract with some suitable person, or persons, for the safe keeping, clothing and subsistence of the convicts in, and which may be in said penitentiary, for the term of four years from the date of the contract herein authorized to be made; the said contractors to have the entire control of and the labor of said convicts for four years from the date of this contract, and whenever the contractor's time shall expire, they shall leave the convicts comfortably clothed.

SEC. 3. *Be it further enacted,* That the governor is hereby authorized, in behalf of the State of Arkansas, to require bond with security, payable to the State of Arkansas, from the contractor or contractors, in the sum of one hundred thousand dollars, conditioned that the said convicts shall be safely kept, clothed and subsisted, for and during the time of four years from the date of this contract, free from all expense to the state, and that they will, in all respects, faithfully perform said contract, in compliance with the provisions of this act, which bond shall be taken and approved of by the governor.

SEC. 4. *Be it further enacted,* That the governor be, and he is hereby authorized to appoint a superintendent of the penitentiary, whose duty it shall be to see that the convicts are well clothed, fed and humanely treated, who shall report to the governor, under oath, quarterly.

SEC. 5. *Be it further enacted,* That the governor shall have power to remove said superintendent for cause, and appoint a successor.

SEC. 6. *Be it further enacted,* That said superintendent shall receive for his services the sum of ——— dollars, per annum, to be paid quarterly, as other officers.

SEC. 7. *Be it further enacted,* That the governor is hereby authorized and required to contract with some suitable person or persons, for the making of a cistern within the penitentiary walls, that will contain from forty to fifty thousand gallons of water, with a good force pump.

SEC. 8. *Be it further enacted,* That the governor be, and he is hereby authorized to appoint a chaplain to preach for the convicts in the penitentiary, who shall hold his office for the term of twelve months from and after his appointment, and whose duty it shall be to preach at least one time each Sabbath, and for which he shall receive one hundred and fifty dollars per annum, to be paid quarterly out of the treasury.

SEC. 9. *Be it further enacted,* That the governor shall have power to remove said chaplain for cause, and appoint a successor.

SEC. 10. *Be it further enacted,* That, for the construction of the work specified in the seventh section of this act, the governor is hereby authorized, in behalf of the State of Arkansas, to agree that the said contractors shall receive from the said state, not exceeding the sum of six hundred dollars, to be paid to them as hereinafter provided; *Provided,* That said contractors shall, within ——— days from and after the passage of this act, enter into bond, with security, to the State of Arkansas, in the sum of twelve hundred dollars, conditioned that the work authorized to be contracted for by this act, shall be completed by the first day of October, A. D. one thousand eight hundred and fifty-nine, and that they will faithfully perform said contract in compliance with the provisions of this act, which bond shall be taken and approved by the governor.

SEC. 11. *Be it further enacted*, That the governor be, and he is hereby authorized, to appoint one inspector of the work done under the contract provided for by this act, whose duty it shall be to see that the same is done in accordance with the contract, and certify the same, under oath, to the governor, when the same is done; and for which he shall receive from the state treasury, under the direction of the governor, the sum of twenty dollars, which is hereby appropriated out of any money in the state treasury, not otherwise appropriated.

SEC. 12. *Be it further enacted*, That the governor shall have power to remove said inspector for cause, and appoint another.

SEC. 13. *Be it further enacted*, That nothing in this act shall be so construed as to allow the said contractors and undertakers to receive any pay for pardoned convicts.

SEC. 14. *Be it further enacted*, That this act take effect from and after its passage.

Which report and bill were read, and on motion of Mr. Clark one hundred copies of each were ordered to be printed.

On motion of Mr. Watkins, the rules were suspended, the bill read the second time by title, and referred to the committee of the whole Senate.

The introduction of bills was in order.

No. 116. Mr. Askew introduced a bill to be entitled an act concerning the apportionment of road hands.

Read the first time.

On motion of Mr. Askew the rules were twice suspended, the bill read the second and third times and passed.

The following message was received from the House of Representatives by their clerk:

Mr. PRESIDENT—

I am instructed to inform your honorable body that the House of Representatives have adopted the following joint

RESOLUTION:

Resolved by the General Assembly of the State of Arkansas, That the Hon. Green J. Clark, senator from Sebastian and Scott counties, be, and he is hereby authorized to draw any *per diem* and mileage that may have been due the Hon. John H. Torbett, deceased, as a member of this body, and that he receipt to the treasurer for the same, and when so drawn he shall pay the same over to the legal representatives or heirs of the said John H. Torbett."

Said resolution is herewith transmitted for the concurrence of your honorable body, which is respectfully asked.

S. M. SCOTT, *Clerk of*
House of Representatives.

On motion of Mr. Clark, the resolution just received from the House of Representatives, relative to the per diem pay of the Hon. John H. Torbett, deceased, was taken up and read.

Mr. Hammond moved to amend the same so as to allow the deceased *per diem* up to the time of the taking the vacant seat by his successor.

Which amendment was adopted, and the secretary instructed to transmit the same, with the resolution, to the House of Representatives.

The following message was received from the House of Representatives, by their clerk:

Mr. President—

I am instructed to inform your honorable body that the House have refused to concur in Senate amendment to House resolution to take a recess from 21st inst., to 11th January, 1859; said amendment with the original resolution is herewith returned to your honorable body.

S. M. SCOTT, *Clerk of*
House of Representatives.

On motion of Mr. Gaines, House bill No. 97, to be entitled an act for the relief of L. C. Morgan, of Drew county, Arkansas, was taken up and read the first time.

On motion of Mr. Gaines, the rules were twice suspended, the bill read the second and third times and passed.

Mr. Davies, from a select committee made the following

REPORT:

Mr. President—

The select committee, to whom Senate bill No. 50, was referred, have, after due deliberation concluded to report a substitute for said bill and recommend its passage, all of which is respectfully submitted.

DAVIES,
Chairman.

No. 117. Which report was read, and the substitute reported being Senate bill to be entitled "an act for the benefit of the public health," was read the first time, and

On motion of Mr. Terry, adopted in lieu of the original bill.

On motion of Mr. Stirman, the rules were suspended and the substitute bill read the second time, by title, and

On motion of Mr. Hammond, it was referred to the committee on the judiciary.

Mr. Stirman offered the following

RESOLUTION:

"*Resolved*, That this General Assembly will take a recess from Wednesday, the 22d day of December, A. D. 1858, until Wednesday the 5th day of January, A. D. 1859, and that the secretary of the Senate transmit this resolution to the House of Representatives immediately."

Which was read, when

Mr. Davies moved to lay the same on the table, and after a lengthy discussion, Mr. Hampton demanded the yeas and nays on said motion, which was sustained and the roll called.

Yeas—Messrs. Askew, Carrigan, Clark, Davies, Hammond, Hampton, Humphreys, Marshall, McColloch, Terry, Trimble, Watkins and Williams—13.

Nays—Messrs. Craighead, Floyd, Gaines, Jones, McCreery, Redmond, Stirman and Mr. President—8.

So the resolution was laid upon the table.

Mr. Trimble, from the committee on enrollments, made the following

REPORT:

Mr. President—

The committee on enrollments have examined House joint resolution No. 27.

Also, House bill No. 36.

Also, House bill No 194.

Also, House bill No. 100.

Also, House bill No. 169.

Also, substitute House bill No. 199.

Also, House bill No. 28.

Also, House bill No. 189.

Also, House bill No. 168.

Also, House joint resolution No. 12, and have instructed me to report the same correctly enrolled.

J. S. TRIMBLE,
Chairman.

Read and received.

The following message was received from the House of Representatives, by the clerk:

Mr. President—

I am instructed to inform your honorable body that the House of Representatives have passed the following House bills, viz:

No. 219. To be entitled "an act to aid the cause of education in Calhoun county, Arkansas."

No. 223. To be entitled "an act to provide for making and repairing levees in Desha and Phillips counties."

No. 228. To be entitled "an act to authorize the county court of Arkansas county to levy a road tax, and for other purposes."

Said three bills are herewith transmitted for the assent of your honorable body, which is respectfully asked.

The House of Representatives have refused to concur in the joint resolution of the Senate proposing to adjourn sine die on the 10th day of January, A. D. 1859.

Said resolution is herewith returned.

S. M. SCOTT, *Clerk of*
House of Representatives.

On motion of Mr. Hampton, the petition of Creed Taylor, presented to-day, was referred to the select committee appointed to investigate and ascertain the amount of swamp land scrip issued by the old board of commissioners.

Mr. Redmond offered the following

RESOLUTION:

Resolved, That the secretary and enrolling secretary of the Senate receive the same compensation for their services that they received last session, to-wit: six dollars *per diem*.

Which was read, and, on motion of Mr. Hammond, adopted.

No. 118. Mr. Clark introduced Senate bill to be entitled an act to amend the election laws of this state.

Read the first time.

On motion of Mr. Clark, the rules were suspended, the bill read the second time, by title, and referred to the committee on the judiciary.

No. 119. Mr. Carrigan introduced Senate bill to be entitled an act amendatory of the third section of chapter 162 of the Digest of 1858, under the head of "Slaves."

Read the first time.

On motion of Mr. Carrigan, the rules were suspended, the bill read the second time, by title, and referred to the committee on the judiciary.

On motion of Mr. Jones, House bill No. 138, to be entitled an act to amend "an act to grant a charter to George W. Robertson and Blake Little for the purpose of erecting and building toll-bridges, on the Batesville road, across the L'Anguille river, Brushy Lake, Forky Slough and Bayou De View, in Poinsett county," was taken up and read the first time.

On motion of Mr. Jones, the rules were suspended, the bill read the second time, by title, and referred to the committee on public roads.

No. 120. Mr. Floyd introduced a bill to be entitled an act to incorporate the White Sulphur Springs Female High School.

Read the first time.

On motion of Mr. Floyd, the rules were suspended, the bill read the second time, by title, and

On motion of Mr. Terry, it was referred to the committee on education.

No. 121. Mr. McColloch introduced a bill to be entitled "an act supplementary to an act passed at the present session of the General Assembly, entitled 'an act to incorporate the town of Hampton, in the county of Calhoun.'"

Read the first time.

On motion of Mr. McColloch, the rules were twice suspended, the bill read the second and third times, by title, and passed.

Mr. Davies was called to the chair.

On motion of Mr. Clark, House bill No. 60, to be entitled "an act to prevent frauds and oppression under color of judicial process," was taken up and read the first time.

On motion of Mr. Clark, the rules were suspended, the bill read the second time, by title, and referred to the committee on the judiciary.

Mr. Trimble presented the petition of E. D. Rushing, and his daughter Melissa C. Morrow, representing that some three years ago, the said Melissa intermarried with one Benjamin A. Morrow, by whom she had a daughter, now some ten months old, named Josephine Kate Morrow; that said Morrow has forsaken and deserted his said wife and child, therefore they pray the passage of an act to change the name of said child.

No. 122. Which petition was read, and, being accompanied with Senate bill, to be entitled "an act to change the name of Josephine Kate Morrow to that of Josephine Kate Rushing, and to constitute her a lawful heir of E D. Rushing, of Independence county," the same was read the first time.

Mr. Williams moved to reject the bill; and, after some discussion, the question was stated from the chair: "shall the bill be rejected?" and Mr. Williams demanded the yeas and nays thereon.

Which demand was sustained, and the roll called:

YEAS—Messrs. Askew, Carrigan, Craighead, Floyd, Terry, Watkins and Williams—7.

NAYS—Messrs. Clark, Davies, Gaines, Hammond, Hampton, Humphreys, Jones, Marshall, McCreery, McColloch, Redmond, Stirman, Trimble and Mr. President—14.

So the motion to reject was lost, and

Thereupon, on motion of Mr. McCreery, the rules were suspended, the bill read the second time, by title; and, on motion of Mr. Humphreys, the rules were further suspended, the bill read the third time and passed.

Mr. Floyd moved that the Senate adjourn till to-morrow morning nine o'clock.

On which motion Mr. Gaines demanded the yeas and nays; which demand was sustained and the roll called:

YEAS—Messrs. Davies, Hammond, Humphreys, Marshall, McColloch, Terry and Trimble—7.

NAYS—Messrs. Askew, Carrigan, Clark, Craighead, Floyd, Gaines, Hampton, Jones, McCreery, Redmond, Stirman, Watkins, Williams and Mr. President—14.

So the Senate refused to adjourn; and, thereupon, On motion of Mr. Foyd, a recess was taken until 2½ o'clock, p. m.

2½ O'CLOCK, P. M.

The Senate met.

The roll was called by order of the President.

PRESENT — Messrs. Askew, Craighead, Floyd, Hampton, Humphreys, Jones, Marshall, McCreery, McColloch, Stirman, Trimble and Mr. President—12.

There being no quorum, the door-keeper was sent in quest of the absentees, and soon returned with Messrs. Carrigan, Clark, Davies, Gaines, Hammond, Redmond, Terry and Williams, when the Senate proceeded to business.

Mr. Terry presented the following account, viz:

" LITTLE ROCK, *Dec. 4th,* 1858.

THE STATE OF ARKANSAS,

To F. J. DITTER, *Dr.*

To making wooden and metalic coffin for the Hon. B. H. Smithson, member of the State Senate of Arkansas	$130 00

Which account was read, and, on motion of Mr. Terry, referred to the committee on claims.

On motion of Mr. McColloch, House bill No. 20, to be entitled " an act to relieve certain purchasers of state land," was taken up and read the first time.

On the further motion of Mr. McColloch, the rules were suspended and the bill read the second time, by title.

Mr. McColloch then offered to amend the same as follows, viz:

Insert, after the words "for the," at the end of the tenth line of section 3, the word " full," and after the word " paid," in the 11th line of said section, insert the words " it being the object of this act to have the full amount of all such erroneous payments refunded to the payers."

Which amendment was, on motion of Mr. Floyd, adopted.

On motion of Mr. McColloch, the bill was then read the third time, as amended, and, after some discussion, it was, on motion of Mr. Askew, committed to the committee on the judiciary.

The following message was received from the House of Representatives by their clerk:

MR. PRESIDENT—

I am instructed to inform your honorable body that the

the House of Representatives have adopted the following joint resolution:

WHEREAS, It is apparent from what has transpired to-day in the House that there will be no quorum on to-morrow, and it is uncertain when a quorum will be present, unless some action is taken by the House; therefore,

Be it resolved, That the General Assembly of the State of Arkansas take a recess from and after the 21st day of December, 1858, to the 10th day of January, 1859, that we may be able to have a quorum present for the transaction of business.

Said resolution is herewith transmitted for the concurrence of your honorable body, which is respectfully asked.

S. M. SCOTT, *Clerk of*
House of Representatives.

Mr. Floyd moved to take up the resolution just received from the House of Representatives.

Mr. Clark demanded the yeas and nays on said motion, which demand was sustained, but, before the call was commenced, on motion of Mr. Stirman, a call of the Senate was made, when it appeared that Messrs. Askew and Redmond were absent without leave.

The door-keeper was sent for the absentees, and, after a short time, returned with each of them, and the call was dispensed with.

The yeas and nays were then called on the motion to take up the House resolution, and stood:

YEAS—Messrs. Askew, Craighead, Floyd, Gaines, Jones, McCreery, Redmond, Stirman, Watkins, Williams and Mr. President—11.

NAYS—Messrs. Carrigan, Clark, Davies, Hammond, Hampton, Humphreys, Marshall, McColloch, Terry and Trimble—10.

So the resolution was taken up, and having been read, Mr. Floyd moved that the Senate concur therein.

After a lengthy debate, Mr. Clark called for the yeas and nays on the motion to concur in the resolution, which call was sustained, and ordered, with the following result:

YEAS—Messrs. Askew, Floyd, Gaines, Jones, McCreery, Redmond and Stirman—7.

NAYS—Messrs. Carrigan, Clark, Craighead, Davies, Hammond, Hampton, Humphreys, Marshall, McColloch, Terry, Trimble, Watkins, Williams and Mr. President—14.

So the resolution was not concurred in by the Senate.

Message from the House of Representatives by the clerk:

MR. PRESIDENT—

I am instructed to inform your honorable body that the House of Representatives have amended and assented to Senate bill No. 46, to be entitled "an act approving an act of the General Assembly of the State of Louisiana incorporating the Louisiana, Arkansas and Texas navigation company."

Said bill is herewith returned, and the amendments transmitted for the concurrence of your honorable body, which is respectfully asked.

S. M. SCOTT, *Clerk of*
House of Representatives.

Mr. Floyd asked and obtained leave of absence "for several days."

Mr. Stirman also asked and obtained leave of absence "for several days."

Mr. Gaines asked and obtained leave of absence until next Monday week.

Mr. Askew asked and obtained indefinite leave of absence.

The following message was received from the House of Representatives:

Mr. President—

I am instructed to inform your honorable body that the House of Representatives have assented to Senate Bill No. 103, entitled " an act to repeal section 2 of the general appropriation act, approved 15th January, 1857.

Said bill is herewith returned.

S. M. SCOTT, *Clerk of*
House of Representatives.

On motion of Mr. Davies, the Senate adjourned until 9 o'clock to-morrow morning.

THOS. FLETCHER,
President.

* * *

Wednesday, *December 22d*, 1858.

The Senate met pursuant to adjournment.

Prayer by the chaplain.

Roll called.

Present—Messrs. Carrigan, Clark, Craighead, Davies, Hammond, Hampton, Humphreys, Jones, Marshall, McCreery, McColloch, Redmond, Terry, Trimble, Watkins, Williams and Mr. President—17.

The journal of yesterday was read, approved and signed.

No. 123. Mr. Hampton, on leave, introduced Senate bill to be entitled an act to amend an act entitled an act to incorporate the Ouachita Conference Female College, approved 7th January, A. D. 1857.

Which was read the first time and took its course under the rule.

Mr. Redmond presented the following account:

"STATE OF ARKANSAS,
To JACOB HENGZ, *Dr.*
For music furnished at the burial of Hon. Mr. Smithson $60 00.
Little Rock, Ark., Dec. 6, 1858."

Which was, on motion of Mr. Redmond, referred to the committee on claims.

Mr. Redmond offered the following

RESOLUTION:

Resolved, That the chaplain of the Senate receive for his services four dollars *per diem*, from the day he was elected until the close of the session, and that the President of the Senate is authorized to certify his account to the auditor under this resolution.

Read, and, on motion of Mr. Redmond, adopted.

Mr. Trimble, from the committee on enrollments, made the following

REPORT:

MR. PRESIDENT—

The committee on enrollments did, on the 21st inst., hand to the governor for his approval, House joint resolution No. 27.

Also, House bill No. 36.
Also, House bill No. 194.
Also, House bill No. 100.
Also, House bill No. 169.
Also, substitute for House bill No. 199.
Also, House bill No. 28.
Also, House bill No. 189.
Also, House bill No. 168.
Also, House joint resolution No. 12; and have instructed me to report the same.

J. S. TRIMBLE,
Chairman.

Which report was read and received.

On motion of Mr. McCreery, House bill No. 207, to be entitled an act to authorize the clerk of the circuit court of Jackson county to transcribe certain records of his office, was taken up and read the first time.

On the further motion of Mr. McCreery, the rules were twice suspended, the bill read the second and third times, by title, and passed.

No. 124. Mr. Clark introduced Senate bill to be entitled an act to repeal an act to authorize the courts of Sebastian, Crawford and Franklin counties to appoint a county attorney.

Read the first time.

On motion of Mr. Clark, the rules were suspended, and the bill read the second time.

Mr. Humphreys moved to amend the bill by striking out Crawford and Franklin counties.

Which amendment was, on motion of Mr. Clark, adopted.

On his further motion, the rules were again suspended, the bill read the third time, as amended, and passed.

No. 125. Mr. Jones introduced Senate bill to be entitled an act for the incorporation of the town of Wittsburg.

Read the first time.

On motion of Mr. Hammond, the rules were suspended, and the bill read the second time, by title.

On motion of Mr. Watkins, it was referred to the committee on the judiciary.

On motion of Hammond, House bill No. 124, to be entitled an act to require the internal improvement commissioners of Lafayette, Polk, Pike, Sevier, Johnson, Phillips, Carroll, Jackson, Randolph, Marion, Van Buren, Benton, Newton, Montgomery, White, Prairie and Hempstead counties to loan the internal improvement fund out in sums not to exceed one hundred dollars to any one person, was taken up and read the first time.

On his further motion, the rules were suspended, and the bill read the second time, by title.

Mr. Redmond moved to amend by striking out Phillips county wherever it occurs in the bill.

Which amendment was, on motion of Mr. Hammond, adopted, and the bill took its course under the rule.

On motion of Mr. Marshall, House joint resolution No. 43, requesting our Representatives, and instructing our Senators in Congress to procure a semi-weekly mail to be carried in two-horse hacks, from Smithville, Lawrence, via Salem and Sapp's store, in Fulton county, Arkansas, to Springfield, Missouri, was taken up and read.

And on motion of Marshall, the same was concurred in.

On motion of Mr. Terry, House bill No. 185, to be entitled an act to legalize the sale of sixteenth section in Pulaski, Izard, Searcy, St. Francis and Prairie counties, Arkansas, was taken up and read the first time.

On the further motion of Mr. Terry, the rules were twice suspended, the bill read the second and third times and passed.

On motion of Mr. Carrigan, the amendment of the House to Senate bill No. 46, to be entitled an act approving an act of the General Assembly of the State of Louisiana, incorporating the Louisiana, Arkansas and Texas navigation company, were severally taken up.

The amendment in these words.

Amend the 3d section of the Louisiana act by striking out the words "one thousand dollars," in 2d line of said section, and inserting in lieu thereof, the following words, "one hundred dollars," was read; and

On motion of Mr. Carrigan, concurred in.

The amendment in these words:

Amend the 3d section of Louisiana act, by inserting after the word "and" the last word in second line of said section, the following, viz: such shares shall be paid in four successive annual installments, was then read; and

On motion of Mr. Carrigan, the Senate refused to concur therein.

The amendment in these words:

Strike out section 5 in the Arkansas act, and insert in lieu thereof, "that this act take effect as soon as the assent of the Congress of the United States be given, and that all laws and parts of laws coming in contact with this act be, and the same are hereby repealed," then read, and

On motion of Mr. Carrigan, concurred in.

On motion of Mr. McCreery, Senate bill No. 58, to be entitled an act for the relief of David W. Carroll, late state land agent of the Pine Bluff district, and Garlen Silvey, late state land agent for the Jacksonport district, was taken up; and

Mr. McCreery moved that it be read the third time; but after some discussion, withdrew his motion, and the bill remained upon the calendar.

Mr. Williams suggested that there was not a quorum present; and on his motion, a call of the Senate was made, when it appeared that Messrs. Hampton, Jones, Marshall and Watkins were absent without leave; after a short time the absentees appeared, and the call was suspended.

On motion of Mr. Williams, House joint resolution No. 28, instructing our Senators, and requesting our Representatives in Congress to change the mail route from Yellville, in Marion county, to Clinton, in Van Buren county, from a weekly to a semi-weekly mail, was taken up and read, and on motion of Mr. Terry, concurred in.

Mr. Williams moved that the Senate take a recess until 2 o'clock, p. m.

Which motion was lost.

Mr. Hampton was called to the chair.

No. 126. Mr. Hammond introduced Senate bill to be entitled an act to amend section 50, of chapter 101, of Gould's Digest of the Statutes of Arkansas, and for other purposes.

Which was read the first time, and took its course under the rules.

On motion of Mr. McColloch, House bill No. 201, to be entitled an act to change the name of Emily H. Jenkins, of Ouachita county, to that of Emily H. Searles, was taken up and read the first time.

On the further motion of Mr. McColloch, the rules were twice suspended, the bill read the second and third times, by title, and passed.

No. 127. Mr. Clark introduced Senate bill to be entitled an act to amend the criminal laws of this state.

Which was read the first time and took its course under the rules.

On motion of Mr. Terry, House bill No. 115, to be entitled an act in relation to minors who have no guardian, was taken up and read the first time.

On motion of Mr. Terry, the rules were suspended, and the bill read the second time, by title.

Mr. Terry moved a further suspension of the rules, that the bill might be read the third time.

Mr. Watkins moved that it be referred to the committee on the judiciary; which motion prevailed, and the bill was referred.

On motion of Mr. Hammond, House joint resolution No. 31, instructing our Senators and requesting our Representatives in Congress to procure the donation of the arsenal grounds, near Little Rock, to the State of Arkansas, for a lunatic asylum, was taken up and read; when

Mr. Carrigan offered to amend the same, by striking out all after the words "be it resolved by the General Assembly of the State of Arkansas," and inserting the following, viz: "That our Senators be instructed, and our representatives requested to use all honorable means within their power to increase the arms, and all manner of military stores now in the U. S. Arsenal at Little Rock, to at least double the present stock on hand.

Which amendment was, on motion of Mr. Redmond, indefinitely postponed.

On his further motion, the Senate refused to concur in the resolution of the House.

The following message was received from the governor:

Mr. President—

I am instructed by the governor to report to the Senate, that, on the 21st December, 1858, he approved and signed "an act to repeal an act to amend an act entitled an act to authorize the county courts of Jackson, Crawford, Pope, Lafayette, Crittenden, Monroe, Columbia and Pulaski, to levy a road tax and for other purposes, and to revive and put in force all road laws in force at the time of the passage of said act."

And "an act in reference to harboring and concealing runaway slaves."

And that, on the 22d December, 1858, he approved and signed "an act to repeal section two of the general appropriation act, approved 15th January, 1857."

R. H. JOHNSON,
Private Secretary.

On motion of Mr. Trimble, House joint resolution No. 2, instructing our Senators, and requesting our Representatives in Congress to procure the establishment of a four-horse coach mail route from Batesville via Mt. Olive, Yellville and Carrollton, to Huntsville, in Madison county, thence to Fayetteville, in Washington county, was taken up and read.

On motion of Mr. Williams, the resolution was amended by inserting the words "on the most practicable route," before the word "via."

And on his further motion, the resolution, as amended was concurred in by the Senate.

On motion of Mr. Hammond, the Senate took a recess until 2½ o'clock, p. m.

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3 O'CLOCK, P. M.

The Senate was called to order, and the roll called by direction of the President.

PRESENT—Messrs. Carrigan, Clark, Craighead, Davies, Hampton, Humphreys, Jones, Marshall, McCreery, McColloch, Redmond, Terry, Trimble, Williams and Mr. President—15.

Messrs. Hammond and Watkins were absent without leave,

There being no quorum present, Mr. Williams moved that the door-keeper be sent after the absentees.

Which motion was lost.

Mr. President presented the following communication:

HALL OF THE HOUSE OF REPRESENTATIVES,
of the State of Arkansas,
December, 22*d*, 1858.

Hon. THOMAS FLETCHER,
President of the Senate:

Dear Sir—As speaker of the House of Representatives of the General Assembly of Arkansas, it becomes my duty to state to you, that I went to day to the hall of the House of Representatives at the hour to which the House adjourned, upon yesterday, and called the House to order: that there was no quorum present: that the journals of the House show the fact, that members enough have obtained leave of absence to reduce the House below the number constitutionally required to do busines: that the House has now no power to compel the attendance of the members who are absent upon leave. These facts I submit to you, and through you, to the honorable body over which you preside, that you may take such action as you may think necessary, under the circumstances.

I have the honor, to be
your ob't serv't,
O. H. OATES.
Speaker of the House of Representatives.

Mr. Hampton offered the following

RESOLUTION:

Resolved, That the two houses of this General Assembly, having disagreed as to a recess or adjournment for a limited time, and there being no quorum of either house present, or likely to be present, for some days to come, it is the opinion of the members present, that the constitution authorizes and the interest of the country requires the Governor to adjourn both houses to a day which he may think convenient and proper.

Which resolution was read and after some discussion withdrawn.

Mr. Redmond offered the following

RESOLUTION:

Resolved, That the president of the senate, cause to be communicated to the Governor a certified copy of the letter addressed to him by the speaker of the house of representatives, and that the president inform the Governor that there is no quorum to do business in the senate.

Which was read, and on motion of Mr. Hampton, adopted.

After a long discussion Mr. Redmond moved an adjournment until 10 o'clock, to-morrow morning; which motion prevailed and the adjournment was taken.

THOS. FLETCHER,
President.

* * *

THURSDAY, *December* 23, 1858.

The Senate met pursuant to adjournment.

Prayer by the chaplain.

The following veto message was received from the Governor, and read by Richard H. Johnson, Esq., his Excellency's private secretary:

EXECUTIVE OFFICE,
Little Rock, Ark's,
22d December, 1858.

TO THE PRESIDENT OF THE SENATE,
of the General Assembly of the State of Arkansas:

A bill entitled "an act to distribute the new digest of the statutes of the State of Arkansas," has been presented to me for my approval; but instead of approving, I herewith return it to the senate, in which it originated. It is my opinion that the provision of said bill in these words, to-wit: "and said digest is hereby declared to be a complete and correct digest of all laws of a *public character* in force up to the commencement of the present session of the General Assembly," would perhaps release many debtors of the real estate bank, by repealing the law which makes the reports of the accountants evidence of the facts stated therein. This *law* relative to accountants, although a *public act* is not considered a general law; and is not embraced in the new digest. There are also many *public acts*, that are not embraced in the digest, because they are *local* and *not general laws.* The inspector of the digest certified it to be "a complete and correct digest of all public or *general laws.*"

A local law is often a *public act;* and yet the act, under which the digest was prepared and inspected, provided that no "*acts of a local* or private nature shall be embraced in the digest."

I regret very much the necessity of returning the bill for reconsideration; but the public interests involved are so very important that I deem it my duty to decline approving the bill.

ELIAS N. CONWAY.

The roll was called by direction of the president and the following named senators were present, viz:

Messrs. Carrigan, Clark, Craighead, Davies, Douglas, Hampton, Humphreys, Jones, Marshall, McCreery, Redmond, Trimble, Williams and Mr. President—14.

Mr. President presented the following communication.

SENATE CHAMBER,
Little Rock, Ark's.,
December, 23*d*, 1858.

HON. THOMAS FLETCHER,
President of the Senate:

SIR—Circumstances now beyond my control, having rendered it more than probable, that it will not be in power to be in attendance during the entire term, to which it is now apparent the present General Assembly is to be protracted, in order that the rights and interests of the district I have the honor to represent, may not be neglected, during the most important time of the session, I am induced to tender to you, this, my resignation of the office of senator for the district composed of the counties of Dallas and Bradly.

I hope sir, that you will certify the same to the governor as early as practicable.

With sentiments of high respect for yourself and each member, of the body over which you preside.

I am sir, very respectfully,
your ob't servant,
JNO. R. HAMPTON.

By order of the president the journal of yesterday was read, when the same was approved and signed.

The following Proclamation was received from the Governor:

THE STATE OF ARKANSAS,

To all of the members of the
General Assembly of said State—Greeting:

Whereas, It has been made known to the governor that a disagreement between the two houses of the general assembly, with respect to the time of adjournment, has occured; and that so many members are now absent that there is no quorum in either the senate or the house of representatives; and, whereas, true economy requires that the expenses of the general Assembly should cease, until a sufficient number of members can be assembled to constitue a quorum in each house.

Now, therefore, I, Elias N. Conway, Governor of the State of Arkansas, by virtue of the authority in me vested by the constitution of said state, do hereby adjourn the general assembly of the State of Arkansas over to the 17th day of January, A. D. 1859, upon which day all of the members of the senate and of the house of represenatives are required to assemble in their respective places, in the legislative halls of this state, at the seat of government, to complete the unfinished legislative business, and to enact such laws as the public interests require.

{L. S.} In testimony whereof, I have hereunto signed my name and caused the seal of the State of Arkansas, to be affixed, at Little Rock, this 23d day of December, A. D. 1858.

ELIAS N. CONWAY.

By the Governor,
D. B. Greer,
Secretary of State.

Whereupon, the president of the senate announced that by virtue of the proclamation of the governor the senate stood adjourned until the 17th day of January, 1859.

THOS. FLETCHER,
President.

John D. Kimbell,
Secretary of the Senate.

MONDAY, *January* 17, 1859.

This being the day to which the General Assembly was adjourned by proclamation of the governor, on the 23d of December, 1858, the president of the senate took the chair and called the senate to order.

Prayer by Rev. A. H. Kennedy, chaplain.

The roll was called by order of the president and the following senators answered to their names:

Messrs. Davies, Douglas, Floyd, McCreery, McColloch, Redmond, Rosson, Stirman, Terry, Trimble, Watkins and Mr. President—12.

No quorum.

Mr. Floyd presented the credentials of Hon. Robert W. Mecklin, senator elect from the county of Washington, to fill the vacancy occasioned by the death of Hon. B. H. Smithson, who came forward took the oath of office, which was administered by the president of the senate, and entered upon the discharge of his duties as senator aforesaid.

Mr. Floyd moved a recess until 3 o'clock, p. m.

Which motion prevailed and the recess was taken.

At three o'clock, p. m., the senate met.

The roll was called by order of the President, and the following senators answered to their names:

Messrs. Clark, Davies, Douglas, Floyd, McCreery, McColloch, Mecklin, Pennington, Rosson, Terry, Trimble, Watkins and Mr. President—12.

The journal of December 23d, 1858, was read by order of the President.

There being no quorum present,

Mr. Terry moved an adjournment until ten o'clock to-morrow morning.

Which motion prevailed and the senate adjourned.

THOS. FLETCHER,
President.

TUESDAY, *January* 18, 1859.

The Senate met pursuant to adjournment.

Prayer by the chaplain.

The roll was called and the following senators were present:

PRESENT—Messrs. Carrigan, Clark, Craighead, Davies, Douglas, Floyd, Marshall, McCreery, McColloch, Mecklin, Pennington, Redmond, Rosson, Stirman, Terry, Trimble, Watkins, Wiliams and Mr. President—19.

The journal of yesterday was read, approved and signed.

The president stated the order of business progressively and when the introduction of bills was announced in order,

No. 128. Mr. Floyd introduced senate bill to be entitled an act to extend the corporate limits of the city of Clarksville in the county of Johnson.

Which was read the first time.

On motion of Mr. Floyd, the rules of the Senate were twice suspended, the bill read the second and third times, by title, and passed.

No. 129. Mr. Douglas introduced Senate bill to be entitled an act to abolish the office of financial receiver of the Bank of the State of Arkansas, and for other puposes.

Which was read the first time.

On motion of Mr. Douglas, the rules of the Senate were suspended, the bill read the second time, by title, and referred to the committee on banks.

No. 130. Mr. Davies introduced Senate bill to be entitled an act to amend section thirteen, chapter fifty-one, of Gould's Digest, under the head of *criminal law.*

Which was read the first time.

On motion of Mr. Davies, the rules were suspended, the bill read the second time, by title, and referred to the committee on the judiciary.

No. 131. Mr. Terry introduced Senate bill to be entitled an act for the relief of the widow of Thomas B. Walters, deceased.

Which was read the first time.

On motion of Mr. Terry, the rules were twice suspended, the bill read the second and third times, by title and passed.

No. 132. Mr. Floyd introduced Senate bill to be entitled an act to compensate locating agents for selecting swamp lands.

Which was read the first time.

On motion of Mr, Floyd, the rules were suspended, the bill read the second time, by title, and referred to the committee on swamp and overflowed lands.

No 133. Mr. Davies introduced Senate bill to be entitled an act to incorporate the Pocahontas and Gainesville turnpike company.

Which was read the first time.

On motion of Mr. Davies the rules were suspended, the bill read the second time, by title, and referred to the committee on public roads.

Mr. Gaines appeared and asked to have his name recorded as answering when the roll was called this morning: which was granted.

On motion of Mr. Floyd, Senate bill No. 8, to be entitled "an act to exclude from residing in this state, all free colored persons, mulattoes and negroes, of the African race, and for other purposes," was made the special order of the day for to-morrow at 10 o'clock.

On motion of Mr. Clark, the name of Mr. Mecklin was added to the committee on education.

On motion of Mr. Clark, leave of absence was granted to Mr. Hammond.

On motion of Mr. Davies, leave of absence was granted to Mr. Jones.

On motion of Mr. Floyd, the name of Mr. Mecklin was added to the committee to whom was referred that portion of the governor's message relating to the geological survey.

No. 134. Mr. Floyd introduced Senate bill to be entitled an act to require the commissioners of the common schools of the several counties to settle with the county courts annually.

Which was read the first time.

On motion of Mr. Floyd, the rules were suspended, the bill read the second time, by title, and referred to the committee on education.

No. 135. Mr. Pennington introduced Senate bill to be entitled an act to create and establish an additional swamp land district, and for other purposes.

Which was read the first time.

On motion of Mr. Pennington, the rules were suspended, the bill read the second time, by title, and

On motion of Mr. Gaines, it was referred to the committee on swamp and overflowed lands.

Mr. President directed the order of the day to be taken up, and bills from the House of Representatives having precedence,

House bill No. 4, to be entitled "an act to prevent the people from being defrauded with bank paper," was taken up and read the first time.

On motion of Mr. Clark, the rules were suspended, the bill read the second time, by title, and referred to the committee on banks

House bill No. 9, to be entitled an act to change the name of Thomas Livingston Storms, to that of Thomas Livingston Starks, and to constitute him a lawful heir of Learner B. Starks, was taken up and read the first time.

On motion of Mr. Clark, the rules were suspended, the bill read the second time, and

On motion of Mr. Stirman, the rules were further suspended, the bill read the third time, by title, and passed.

House bill No. 10, to be entitled "an act for the relief of Robert C. Newton," was taken up and read the first time.

On motion of Mr. Floyd, the rules were suspended, the bill read the second time, by title, and

On motion of Mr. Terry, the rules were further suspended the bill read the third time and passed.

House bill No. 18, to be entitled an act to limit the responsibility of the master for trespasses committed by his slave in those cases, where, by our law he is liable, although the trespass be committed without the knowledge and consent of the master, was taken up and read the first time.

On motion of Mr. Clark, the rules were suspended, the bill read the second time, by title, and

On motion of Mr. Carrigan, it was referred to the committee on the judiciary.

House bill No. 19, to be entitled "an act in relation to continuances," was taken up and read the first time.

On motion of Mr. Gaines, the rules were suspended, the bill read the second time, by title, and

On motion of Mr. Floyd, it was referred to the committee on the judiciary.

House bill No. 33, to be entitled "an act to preserve certain records belonging to the clerk's office in Crittenden county," was taken up and read the first time.

On motion of Mr. McColloch, the rules were suspended, the bill read the second time, by title, and

On motion of Mr. Craighead it was referred to the committee on the judiciary.

On motion of Mr. Clark, the bill to be entitled "an act to distribute the new Digest of the Statutes of Arkansas," which was returned to the Senate on the 23d of December, 1858, with the veto message of the governor, was taken up, and the question was stated from the chair, "shall the bill pass notwithstanding the veto of the governor?"

On which, Mr. Clark demanded the yeas and nays, and the demand being sustained, the roll was called.

YEAS—None.

NAYS—Messrs. Carrigan, Clark, Craighead, Davies, Douglas, Floyd, Gaines, Marshall, McCreery, McColloch, Mecklin, Pennington, Redmond, Rosson, Stirman, Terry, Trimble, Watkins Williams and Mr. President—20.

So the Senate unanimously decided against the passage of the bill.

House bill No. 49, to be entitled "an act to exempt the citizens, living west of Red river, in Lafayette county, from serving on the grand and petit juries," was taken up and read the first time.

On motion of Mr. Carrigan, the rules were twice suspended, the bill read the second and third times, by title, and passed.

House bill No. 50, to be entitled "an act to repeal an act to change the proceeds arising from ferries in Pope and Ouachita counties, from the school fund to county purposes, as to Ouachita county," was taken up and read the first time.

On motion of Mr. McColloch, the rules were suspended, the bill read the second time, by title, and

On motion of Mr. Floyd, it was referred to the committee on education.

House bill No. 51, to be entitled "an act to prevent the sale of spirituous liquors to slaves," was taken up and read the first time.

On motion of Mr. McColloch, the rules were suspended, the bill read the second time, by title, and referred to the committee on the judiciary.

The following message was received from the House of Representatives by the clerk:

Mr. President—

I am instructed to inform your honorable body, that the House of Representatives have assented to Senate bill No. 114, to be entitled "an act to exempt the counties of Jefferson and Randolph, from the operations of an act entitled "an act to authorize the county courts of Jefferson, Scott, Sebastian, Chicot, Hempstead and Randolph, to levy a road tax, and for other purposes," approved January 15th, 1857.

Said bill is herewith returned.

The House of Representatives have passed the following House bills, viz:

No. 33. To be entitled "an act to change the mode of assessing and collecting the state and county taxes of Ouachita, Randolph and Benton counties.

No. 137. To be entitled "an act providing for an assessment of all lands at a true value."

No. 224. To be entitled "an act to authorize the governor to subscribe stock in certain railroads.

No. 239. To be entitled "an act to incorporate the town of Madison, in St. Francis county."

No. 243. To be entitled "an act for the relief of the county scrip holders of Lafayette county."

No. 245. To be entitled "an act to furnish the Arkansas Reports to Searcy county, Arkansas."

No. 246. To be entitled "an act to charter the Warren Male and Female Seminary."

No. 247. To be entitled "an act to incorporate the Fayetteville Female Seminary."

No. 248. To be entitled "an act to change the name of Maria McKinney, of Conway county, and to constitute her the lawful heir of James A. Nicholas, of said county."

No. 249. To be entitled "an act to change the common school system for Drew, Franklin, Yell and Montgomery counties."

No. 250. To be entitled "an act to authorize the sale of certain lands belonging to the estate of James M. Matlock, deceased, and

No. 183. Entitled a bill for the relief of W. W. Corcoran.

All of which said bills are herewith transmitted for the assent of your honorable body, which is respecfully asked.

S. M. SCOTT, *Clerk*
House of Representatives.

House bill No. 55, to be entitled an act to authorize the governor of this state to select certain lands, and for other purposes, was taken up and read the first time.

On motion of Mr. Clark, the rules were suspended, the bill read the second time, by title, and referred to the committee on the landed interests of the state.

On motion of Mr. Terry, the name of Mr. McColloch was added to the committee on claims.

House bill No. 58, to be entitled an act to authorize the transcribing the assessment lists now in the clerk's office of Crittenden county, was taken up and read the first time.

On motion of Mr. McColloch, the rules were suspended and the bill read the second time, by title.

On motion of Mr. Craighead, it was referred to the committee on the judiciary.

House bill No. 59, to be entitled an act to declare Big Piney creek navigable, was taken up and read the first time, and in the absence of any motion to suspend the rules, took its course.

House bill No. 67, to be entitled an act to revive and amend an act entitled an act to revive and amend an act approved 10th January, 1851, entitled an act to incorporate the town of Smithville, in Lawrence county, approved 14th, January, 1857," was taken up and read the first time.

On motion of Mr. Marshall, the rules were twice suspended, the bill read the second and third times, by title, and passed.

House bill No. 80, to be entitled an act to constitute Julia Ann Rea and Wm. Thomas Rea, the legal heirs of Israel Burns and Rebecca Burns, and entitling them to inherit jointly with the other children of the said Israel and Rebecca," was taken up and read the first time.

On motion of Mr. McColloch, the rules were suspended, the bill read the second time, by title, and took its course under the rules.

House bill No. 87, to be entitled " an act constituting certain orphan children legal heirs of G. W. Grant, of Montgomery county, Arkansas." was taken up and read the first time.

Mr. Douglas moved to reject the bill, but after some discussion withdrew his motion, ond the bill took its course under the rules.

On motion of Mr. Gaines, House bill No. 126, to be entitled an act for the relief of John McLain Sappington, of Chicot county," was taken up and read the first time.

On his further motion, the rules were suspended and the bill read the second time, by title.

Mr. Gaines moved to suspend the rules again, that the bill might be read the third time.

Which motion was lost, and the bill took its course.

The following message was received from the House of Representatives; by their clerk:

Mr. President—

I am instructed to inform your honorable body, that the House of Representatives have receded from their amendments to Senate bill No. 46, entitled an act approving an act of the General Assembly cf the State of Louisiana, incorporating the Louisiana, Arkansas and Texas Navigation company," so far as their amendment relates to the 3d section of the Louisiana act.

Said bill is herewith returned.

S. M. SCOTT, *Clerk of*
House of Representatives.

On motion of Mr. Gaines, the Senate adjourned until 10 o'clock to-morrow morning.

THOS. FLETCHER,
President.

WEDNESDAY, *January* 19*th*, 1859.

The Senate met pursuant to adjournment.

Prayer by the chaplain.

The roll was called, when the following senators answered to their names:

Messrs. Carrigan, Clark, Davies, Douglas, Floyd, Gaines, Hammond, Marshall, McCreery, McColloch, Mecklin, Pennington, Redmond, Rosson, Stirman, Terry, Trimble, Watkins and Mr. President—19.

The journal of yesterday was read, approved and signed.

The President announced that, pursuant to previous order, Senate bill No. 8, to entitled " an act to exclude from residing in the State of Arkansas, all free colored persons, mulattoes and negroes of the African race, and for other purposes," would be taken up.

Thereupon said bill was read the third and last time, and the question recurring on its passage, Mr. Floyd demanded the yeas and nays, which demand was sustained, and the roll called.

YEAS—Messrs. Clark, Floyd, Hammond, Marshall, McCreery, McColloch, Mecklin, Pennington, Redmond, Stirman and Trimble—11.

NAYS—Messrs. Carrigan, Davies, Douglas, Gaines, Rosson, Terry, Watkins and Mr. President—8.

So the bill passed.

The following message was received from the House of Representatives, by their clerk:

MR. PRESIDENT—

I am instructed to inform your honorable body that the House of Representatives have assented to Senate bill No. 61, to be entitled "an act to make the Saline river at Long View the line between Ashley and Bradley counties.

Also, to Senate bill No. 77, to be entitled " an act to repeal, in part, 'an act incorporating the town of Carrollton, in the county of Carroll, State of Arkansas.'"

Said bills are herewith returned.

The House of Representatives have passed the following House bills, viz:

No. 253, to be entitled "an act to change the time of the meeting of the General Assembly of the State of Arkansas."

No. 255, to be entitled " an act to change the name of Sarah Jane Ellet, to that of Sarah Jane Duncan, and make her an heir of Hiram Duncan and Phebe Duncan."

No. 258, to be entitled " an act for the relief of Urban E. Fort, late sheriff and collector of Independence county."

No. 260, to be entitled "an act to incorporate the Crooked Creek Male Academy, in Marion county."

Said four bills are herewith transmitted for the assent of your honorable body, which is respectfully asked.

S. M. SCOTT, *Clerk of*
House of Representatives.

Petitions from counties were in order.

Mr. Douglas presented the petition of numerous citizens of Benton county, representing that they are dissatisfied with the law, as it now exists, which allows the sheriffs to appoint their own deputies, and praying the General Assembly to require deputy sheriffs to be elected by the people, at the same time and in the same manner that the principal sheriffs are elected.

Which petition was read, and, on motion of Mr. Douglas, referred to the committee on elections.

Mr. McColloch presented the petition of sundry citizens of Moro township in Calhoun county, praying the General Assembly to pass an act to incorporate the Chambersville Male and Female Academy, and to prevent, by fine and penalty, the sale of spirituous or intoxicating liquors, except for medicinal or mechanical purposes, within two miles of the town of Chambersville

Which petition was read.

Mr. Gaines offered Senate joint resolution No. 27, to-wit:

Resolved by the General Assembly of the State of Arkansas, the House of Representatives concurring, That the consent of the Congress of the United States be, and is hereby, respectfully asked that the State of Arkansas shall enter into any compact or agreement that she chooses to make with the States of Louisiana, Mississippi, Tennessee, Kentucky and Missouri, relative to the making of cut-offs on the Mississippi river, from its mouth to the city of Cairo, in the State of Illinois, with the view of reclaiming the swamp and overflowed lands in the valley of the Mississippi.

Resolved, That our Senators in Congress be instructed and our Representatives requested to carry out the views of this General Assembly as expressed in the foregoing resolution.

Which was read, and, on motion of Mr. Hammond referred to the committee on swamp and overflowed lands.

Reports from standing committees were in order.

Mr. Trimble from the committee on enrollments, made the following

REPORT:

Mr. President—

The committee on enrollments have examined Senate bill No. 3.

Also, Senate bill No. 9.

Also, Senate bill No. 51.

Also, House bill No 112.

Also, House bill No. 43.

Also, House bill No. 35.

Also, substitute for House bill No. 135.

Also, Senate bill No. 103.

Also, Senate bill No. 46.

Also, Senate bill No. 114.

Also, House resolution relative to the *per diem* of Hon. John H. Torbitt, deceased.

Also, House bill No. 152, entitled an act to icorporate the city of Napoleon, in Desha county; and have instructed me to report the same correctly enrolled.

J. S. TRIMBLE,
Chairman.

Which report was read and received.

The introduction of bills was in order.

No. 136. Mr. Clark introduced Senate bill, to be entitled an act to permit the Memphis and Little Rock railroad company, and the Little Rock and Fort Smith railroad company, to consolidate said companies into one company, to be known and called the Central Pacific railroad company.

Which was read the first time.

On motion of Mr. Clark, the rules were suspended, the bill read the second time by title, and

On motion of Mr. Rosson, it was referred to the committee on internal improvements.

On motion of Mr. Floyd, the name of Mr. Clark was added to the committee on internal improvements.

No. 137. Mr. McColloch introduced Senate bill to be entitled "an act to incorporate the President and Trustees of the Chambersville Male and Female Academy, in Calhoun county, and to prevent the sale of spirituous liquors within two miles of Chambersville."

Which was read the first time.

On motion of Mr. McColloch, the rules were twice suspended, the bill read the second and third times, by title, and passed.

Mr. Redmond presented sundry accounts against the state for expenses incurred by the committee which attended the remains of Hon. B. H. Smithson to the place of his residence in Washington county—the reading of which was, on motion of Mr. Redmond, dispensed with, and the same were referred to the committee on claims.

No. 138. Mr. Floyd introduced Senate bill to be entitled an act giving permission to county courts to employ county attorneys to protect the interests of their respective counties.

Which was read the first time.

On motion of Mr. Floyd, the rules were suspended, the bill read the second time, by title, and referred to the committee on the judiciary.

No. 139. Mr. Floyd introduced Senate bill to be entitled "an act to compensate the state land agents for traveling expenses to Little Rock and back home, to settle and make deposits."

Which was read the first time.

On motion of Mr. Floyd, the rules were suspended, the bill read the second time, by title, and referred to the committee on swamp and overflowed lands.

Mr. McColloch, from the committee on elections, made the following

REPORT:

MR. PRESIDENT—

The committee on elections, to whom was referred Senate bill No. 84, to be entitled "an act explanatory of the twenty-third section of chapter sixty-second of the Digest, under the head of 'Elections,'" have had the same under consideration, and have instructed me to report it back to the Senate and recommend its passage.

J. B. McCOLLOCH,
Chairman.

Which report was read, and,

On motion of Mr. Douglas, adopted; and the bill took its course under the rules.

Mr. Rosson was called to the chair.

The following Message was received from the House of Representatives by their clerk:

Mr. President—

I am instructed to inform your honorable body that the House of Representatives have passed the following bill, to-wit:

House bill No. 270, to be entitled "an act for the relief of the heirs of Thomas B. Walters."

Which said bill is herewith transmitted for the assent of your honorable body which is respectfully asked.

S. M. SCOTT, *Clerk of*
House of Representatives.

Mr. Gaines offered the following preamble and resolutions, to-wit:

Whereas, Among the several recommendations contained in the late message of his excellency, Elias N. Conway, to the legislature of the State of Arkansas, it is recommended that the state be divided into nine judicial circuits, embracing six counties each; *And whereas*, We, the members of the bar at Monticello, in Drew county, have lately heard that there are vigorous efforts being made by certain interested individuals, to influence the legislature in acting upon said recommendation, to lay off the judicial circuit in certain portions of the state to suit the convenience and wishes of those designing men, and without the least regard to the geographical locality of the counties out of which said circuits would be composed, and to this end, they claim that Drew county be cut off from the river county, in the present second judicial circuit, and be attached to Bradley, and some other more western counties, to form a circuit; *And whereas*, If the legislature could be influenced by the wishes and efforts of those men, to thus divide the state, without regard to the locality of the counties, or form of the circuit, it would be a laughable piece of "geremandering," besides, so far as Drew county is concerned, it would be a great hardship upon her people, to be cut off from a circuit to which she locally and geographically belongs, and attached to one from which she is separated by a river which often becomes impassible, on account of its overflows.

Be it, therefore, resolved, That from our intimate acquaintance with all the territory, we believe that the counties of Jefferson, Drew, Ashley, Chicot, Desha and Arkansas, are locally and geographically inseparable, and ought, of right, be joined together, and compose the judicial circuit in the south-eastern part of the state.

Be it further resolved, That we send a copy of this preamble and these resolutions to our representatives and state senator, with the request that they use all honorable means in their power in dividing the state into judicial circuits, to have the south-eastern one apportioned and composed of the counties designated in the foregoing resolution.

Be it further resolved, That the chairman of this committee make out a copy of these resolutions and forward them to Gen. Hemmingway and Gen. Gaines.

N. B. HOOKER,
J. A. JACKSON, *Com.*
J. S. SMITH.

Which preamble and resolutions were referred to the select committee to whom was referred that part of the governor's message in relation to judicial circuits.

No. 140. Mr. President (Mr. Rosson in the chair) introduced Senate bill to be entitled an to distribute the new Digest of the Statutes of Arkansas

Read the first time.

On his motion, the rules were twice suspended, the bill read the second and third times, by title, and passed.

On motion of Mr. Terry, House bill No. 270, to be entitled an act for the relief of the heirs of Thomas B. Walters, deceased, was taken up and read the first time.

On his further motion the rules were twice suspended, the bill read the second and third times by title and passed.

On motion of Mr. Douglas, House bill No. 247, to be entitled an act to incorporate the Fayetteville Female Seminary, was taken up and read the first time.

On motion of Mr. Douglas, the rules were twice suspended, the bill read the second and third times, by title, and passed.

No. 141. Mr. Terry introduced Senate bill, to be entitled an act to amend the charter of the Cairo and Fulton railroad company.

Read the first time.

On his further motion the rules were twice suspended, the bill read the second and third times, by title, and passed.

And on motion of Mr. Floyd, the secretary was instructed to transmit the same to the House of Representatives forthwith.

On motion of Mr. McColloch, House bill No. 224, to be entitled an act to authorize the governor to subscribe stock in certain railroads, was taken up and read the first time.

On motion of Mr. McColloch, the rules were suspended, the bill read the second time, by title, and referred to the committee on internal improvements.

Mr. President directed the regular business to be taken up, and House bills on the first reading having precedence, House bill No. 33, to be entitled an act to change the mode of assessing and collecting the state and county taxes of Ouachita, Randolph and Benton counties, was taken up and read the first time.

On motion of Mr. Douglas, the rules were suspended, the bill read the second time, by title, and referred to the committee on ways and means.

House bill No. 90, to be entitled an act to revive an act to incorporate the town of Lewisville, was taken up and read the first time.

On motion of Mr. Carrigan, the rules were suspended, the bill read the second time, by title, and amended by striking out the words "first Monday of January, 1859," in the first section, and inserting "first Monday of April, 1859."

On motion of Mr. Carrigan, the rules were further suspended, the bill read the third time, as amended, and passed.

House bill No. 91, to be entitled an act to confer upon the circuit courts of this state power to constitute legal heirs, was taken up and read the first time.

On motion of Mr. Marshall, the rules were suspended, the bill read the second time, by title, and referred to the committee on the judiciary.

House bill No. 93, to be entitled an act to increase the pay witnesses in the counties of Columbia, Lafayette, St. Francis, Hot Spring, White, Ashley, Union, Jackson, Ouachita, Poinsett, Desha, Phillips, Yell, Prairie and Sevier, was taken up and read the first time.

On motion of Mr. Redmond, the rules were suspended, the bill read the second time, by title, and ordered to take its course under the rule.

House bill No. 94, to be entitled an act to amend chapter 79 of Gould's Digest, was taken up and read the first time.

On motion of Mr. Pennington, the rules were suspended, the bill read the second time, by title, and referred to the committee on the judiciary.

On motion of Mr. Gaines, Senate bill No. 108, to be entitled an act to provide for the further prosecution of the geological and mineralogical and chemical survey of the State of Arkansas, in connection with an agricultural and botanical survey of said state, was made the special order of the day for Tuesday next, at 10 o'clock, a. m.

On motion of Mr. Floyd, the Senate adjourned until 9½ o'clock to-morrow morning.

THOS. FLETCHER,
President.

THURSDAY, *January* 20, 1859.

The Senate met pursuant to adjournment.

Prayer by the chaplain.

The roll was called, when the following Senators answered to their names:

Messrs. Carrigan, Clark, Craighead, Davies, Douglas, Floyd, Gaines, Hammond, Marshall, McCreery, McColloch, Mecklin, Pennington, Redmond, Rosson, Stirman, Terry, Trimble, Watkins, Williams and Mr. President—21.

The journal of yesterday was read, approved and signed.

The following message was received from the House of Representatives by their clerk:

MR. PRESIDENT—

I am instructed to inform your honorable body that the House of Representatives have assented to Senate bill No. ——, to be entitled "an act to amend the charter of the Cairo and Fulton railroad company."

Said bill is herewith returned.

The House of Representatives have concurred in Senate joint resolution No. 26, to provide for the binding of the report of the geological survey of the State of Arkansas.

Said resolution is herewith returned.

The House of Representatives have adopted the following joint resolutions, to-wit:

No. 48, relative to a mail route from Madison in St. Francis county via Augusta, Jackson county, to Searcy, White county.

No. 49, relative to a mail route from Hot Springs, Hot Spring county, to Caddo post-office, Montgomery county.

No. 52, relative to a mail route from Van Buren, Crawford county, to Tahlequah, in the Cherokee Nation.

Said three resolutions are herewith transmitted for the concurrence of your honorable body, which is respectfully asked.

The House of Representatives have passed the following House bills, to-wit:

No. 269, to be entitled "an act to change the line between the counties of Polk and Montgomery.

No. 271, to be entitled "an act for the relief of W. G. Murphy, late sheriff of Randolph county."

No. 272, to be entitled "an act to incorporate the town of Burrowville, in Searcy county."

No. 275, to be entitled "an act to change the time of holding the probate court of Union county."

No. 277, to be entitled "an act to confirm and legalize the sale of section 16, in township 5 north, in range six (6) west, and section 16, in township 5 north, in range 8 west, situate in the county of White."

Said five bills are herewith transmitted for the assent of your honorable body, which is respectfully asked.

S. M. SCOTT, *Clerk of*
House of Representatives.

Petitions and memorials were in order.

Mr. Terry on leave presented the following

MEMORIAL:

To the General Assembly of the State of Arkansas, As citizens of an adjoining State, we address you upon a subject of vital importance to the people of both. It is to invoke your further and immediate aid in behalf of a work, which, so far, has received at your hands all that its friends have asked for it.

We shall speak frankly and as becomes men who feel that they are not appealing to strangers who have no interest in common with us, and who may be indifferent to that call for help.

As men form opinions mostly by comparison, let us contrast our present condition with that existing seventy years ago.

We had then just ended a long and bloody contest with the first power of Europe. Since that time—a period of infancy with most nations; our population has increased more than 500 per cent.; and our inland commerce alone, is greater than that of all the civilized world combined.

As power and empire have always travelled Westward, so have all the elements of power moved on this Continent; and the next census will most probably show the centre of population and wealth to be in the Mississippi Valley.

The western part of that valley—the portion lying west of the Mississippi River—is much larger than the eastern portion, and the rapidity with which it is being settled, is a nanomaly in the history of nations. What was the "West," a few years ago, is so no longer. The "West" now lies on the waters of the Pacific.

Cast your eyes over that portion of our country lying between the Alleghany Mountains and the Mississippi River, and mark the astonishing development of its resources during the past fifty years. Most of it was settled by hardy pioneers, who sought their new homes over long and toilsome wagon roads. Note the present prosperous condition of that region, its hundreds of Steamers and thousands of miles of Rail Road, annually freighted with millions of people and of wealth; and its multitude of churches, schools and printing presses elevating the moral and intellectual condition of the people.

If that portion of this valley has so soon attained its present eminent position, even with all the disadvantages attendant upon that period, what may not be anticipated for that portion lying west of the Mississippi, when all the wealth and appliances at the command of the former shall be lavishly employed to develope the boundless but slumbering resources of the latter.

Look at the Rail Road history of our country for the past twenty-five years. Within that time we have built upwards of 26,000 miles of railway, at a cost of nearly a thousand millions of dollars. One half of that number has been completed within the past seven years; and one-fourth during the past four years. Six thousand miles more are under active construction, and it is estimated that 1870 will see 50,000 miles in operation within the limits of our Union. Surely it cannot be that a people so sagacious as ours, so fond of the "almighty dollar," would, from year to year, and in an increased ratio, continue the construction of works involving such an enormous outlay, if they did not feel convinced that all the expense and risk are much more than counterbalanced by the benefits and blessings which always follow them.

If these things be so, (and no man who reads will doubt them,) why should your young and growing State prove an exception to a rule so general? Why should you hesitate by encouraging such public works, when you have the lights of experience before you? While we can but regard your Cairo and Fulton road, your Gaines' Landing road, and your Fort Smith road, as lines that are admirably located to develope the wealth of your State, and that will ultimately vindicate the sound judgment of those projecting them; we feel that we can safely leave them in the hands of their many friends, and that we shall not be considered selfish if we speak alone of the Memphis and Little Rock road.

Can you not aid it? Has not your State the ability now, or prospectively? No one will answer in the negative, who has read the able report of your accomplished auditor of public accounts.

He shows that within the past ten years, the value of your lands has grown from $12,500,000 to $39,000,000, or upwards of 300 per cent. The number of your taxable slaves (between 5 and 60,) has grown from 25,000 to 52,000, or upwards of 100 per cent., and their value has grown from $9,750,000 to 33,000,000, or npwards 300 per cent. The value of your horses and mules has grown from $1,500,000 to $5,500,000, an increase of nearly 400 per cent. The same may be said of almost every item that is an element of wealth and strength, and your taxable property of all kinds, has, during the past 10 years, grown from $27,000,000 to $87,000,000, or 300 per cent.

Surely, with such an array of facts, showing an almost unexampled tide of prosperity, no citizen of your State will doubt your ability to give yet further aid towards the completion of this important work.

But it is no longer an improvement of merely local interest. The acquisition of California has given it more or less of a national character, and the rapidity with which it and our other western possessions are being settled up, creates a necessity for some communication more direct, certain and speedy, than any we now have. We need a rail road from the Mississippi to the Pacific over our own soil. The leading men of all parties and of all sections of the Union admit this. Those in and those out of power advocate it. It has beeome obvious to all that we cannot much longer confidently rely upon any other route, for an uninterrupted, transit from ocean to ocean. The difficulties and annoyance attendant upon the several Central American and Mexican routes are annually becoming more and more complicated; and the present aspect of our relations with Spain, concerning Cuba, renders the prospect no brighter for the oceanic communication via these routes.

Facts and considerations like these are bringing about a settled conviction in the public mind, that the only reliable and national highmay from this valley to our Pacific possessions must be *a rail road over our own soil.* As this conviction gains strength, the question of "route" becomes one of some interest. It is so even now. Even during the present Congress it has assumed a sectional shape. In that light, all the odds are against the Memphis and Little Rock ronte; and if the question were thus decided, some other point north of Memphis would be selected in preference. In all things else, this route has the advantage. Distance, topography of country and climate are all in our favor, and these are all elements of strength. How shall we render them available? Not by a "masterly inactivity." Not by sending lobby members to Congress, to influence votes in our favor. How then?

By continuing and pushing on the good work so earnestly begun. The most formidable portion of it has been done, and daily trains are now running out forty miles from Hopefield, carrying passengers and the inland Pacific mail. We will not say that Memphis has done her whole duty, but she can do no more. Our faith in the enterprise daily grows stronger, but we are exhausted. We now appeal to your noble State for further aid. She can, by prompt action, render certain the completion of the road to your capital during the year 1860. Will you refuse to do so, when so much is at stake? Will you hesitate longer, when your action may convert a State work into a grand national highway?

The present Congress will not likely agree upon any bill for a route to the Pacific. Your timely movement, in securing the completion of this road to your State capital, will most certainly present the subject in a new aspect to any future Congress. A line of road 130 miles long, leading out directly westward from the heart of this great valley, and on a route combining all natural advantages, would present a powerful argument in favor of its being selected by Congress as at least one of the lines to the Pacific. Our Memphis and Little Rock rail road should soon be able to present such claims before the country. We leave it in your hands.

J. T. TREZEVANT,
SPIVEY & CLARK,
R. TOPP,
J. D. WILLIAMS & CO.,
FARRINGTON & HOWELL,
DWIGHT, GILL & CO.,
HILL & DORION,
LOWNES, ORGILL & CO.,
F. LANE & CO.,
HUTTON & CLARK,
N. S. BRUCE & CO.,
JOHNSON & JUST,
F. H. CLARK & CO.,
GEO. B. GRANT,
CANDEE, MIX & CO.,
E. M. APPERSON & CO.,
JONES, BROWN & CO.,
BEN. MAY,
J. L. MERRIMAN & CO.,
CLEAVES & VADEN,
M. J. WICKS,
S. MANSFIELD & CO.,
SMITH & PORTER,
S. B, WILLIAMSON & CO.,
S. MOSBY,
B. GRAHAM,
HARRIS, WORMELEY & CO.,
W. B. GREENLAW & CO.,
J. & A. WOODRUFF & CO.,
A. T. WELLS & RBO.,
GATES, WOOD & McKNIGHT,
SPEED, DONOHO& STRANGE,
COSSITT, HILL & TALMADGE,
WARD & JONES,
W. R. STRANGE & CO.,
TITUS & CO.,
F. FOWLKES & CO.,
A. J. WALT & CO.,
McKINNEY & CO.,
W. B. RICHMOND & CO.,
A. J. WHITE & CO.,
HAWKES, SMITH & CO.,
G. W. LOCKE & CO.,
W. B. MILLER,
J. J. MURPHY,
C. POTTER,
D. H. TOWNSEND,
COPELAND, EDMONS & CO.,
WALKER, NELSON & CO.,
H. L, GUION,
ROBT. J. ALCORN,
CHARLES STONE,
H. H. COOPER,
JNO. R. McLANAHAN,
R. A. ALLEN,
EDWARD BARINDS,
BEN. H. ATKINSON,
J. B. MOSELEY,
WM. H. BRIDGES,
J. H. McMAHON,

Which memorial was read, and on motion of Mr. Floyd, referred to the committee on internal improvements.

Mr. McCreery arose and announced to the senate the intelligence of the death of Hon. Christopher C. Scott, one of the judges of the Supreme Court of this State, and after making some remarks pertinent to the memory of the deceased, resumed his seat, when

Mr. Hammond moved that a committee of three be appointed to draft resolutions expressive of the grief felt for the loss of Judge Scott, and of the high appreciation of his qualities and character.

Which motion prevailed and

Mr. President appointed Messrs. McCreery, Floyd and Hammond such committee.

On motion of Mr. Watkins the senate took a recess of half an hour.

At the expiration of half an hour the senate was called to order.

Mr. Floyd from the committee appointed to draft resolutions relative to the death of Hon. Christopher C. Scott reported that the committee were engaged in the performance of their duty and would report in a half an hour.

Whereupon the senate proceeded to business.

On motion of Mr. Carrigan the name of Mr. Mecklin was added to the committee on public buildings.

On motion of Mr. Floyd the name of Mr. Stirman was added to the committee on banks.

Reports from standing committees were in order.

Mr. Trimble from the committee on enrollments, made the following

REPORT:

Mr. President—

The committee on enrollments did, on the 19th inst., hand to the Governor for his approval, Senate bill No. 3.

Also, Senate Bill, No. 9.
Also, Senate Bill, No. 51.
Also, House Bill, No. 112.
Also, House Bill, No. 43.
Also, House Bill, No. 35.
Also, substitute for House Bill, No. 135.
Also, Senate Bill, No. 103.
Also, Senate Bill, No. 46.
Also, Senate Bill, No. 114.

Also House resolution relative to the per diem of Hon. John H. Torbitt, deceased, and have instructed me to report the same.

J. S. TRIMBLE,
Chairman.

Mr. Redmond, from the committee on internal improvements made the following

REPORT:

Mr. President—

The standing committee on internal improvements, to whom was referred Senate bill, No. 136 to be entitled "an act to permit the Memphis and Little Rock rail road company and the Little Rock and Fort Smith rail road company to consolidate said companies into one company, to be known and called the Central Pacific rail road company," have had the same under consideration, and have instructed me to report the same back to the Senate and recommend its passage.

REDMOND,
Chariman.

Which report was read and received, and

On motion of Mr. Floyd the consideration of the bill was postponed until to-morrow.

Mr. Redmond, further from the committee on internal improvements, made the following

REPORT:

Mr. President—

The committee, on internal improvements to whom was referred Senate bill, No. 92, to incorporate the Des Arc, Dardanelle and Fort Smith rail road company, have had the the same under consideration and have instructed me to report said bill back to the senate and recommend its passage.

REDMOND,
Chairman.

Which report was read and on motion of Mr. Redmond, adopted.

On motion of Mr. Terry the blank in section one of the bill was filled by inserting the names of Jonathan Hardin and Col. John Carroll of Conway county.

The bill was then read at the request of Mr. Craighead, and after some discussion, the same was, on motion of Mr. Carrigan postponed until 11 o'clock, to-morrow morning.

On motion of Mr. Floyd, indefinite leave of absence was granted to the chaplain of the Senate.

Mr. Floyd offered the following

RESOLUTION:

Resolved, That the Senate request the Rev. Mr. McKenzie to officiate as chaplain until the chaplain elect shall return, which the Rev. Mr. McKenzie agrees to do for the chaplain at his request.

Which was read, and on motion of Mr. Floyd adopted.

Mr. Clark, from the committee on the landed interests of this state, made the following

REPORT:

Mr. President—

The committee on the landed interests, to whom was referred House bill No. 55, to be entitled an act to authorise the governor of this state to select certain lands, and for other purposes, have had the same under consideration, and have instructed me to report it back to the Senate and recommend its passage.

CLARK,
Chairman.

Which report was read and received.

On motion of Mr. Floyd, the bill was read the third time and passed.

No. 142, Mr. Gaines, on leave, introduced Senate bill to be entitled an act requiring the swamp land agent at Little Rock to correct swamp land certificate No. 2,140.

Which was read the first time.

On motion of Mr. Gaines the rules were suspended, the bill read the second time, by title, and referred to the committee on the landed interests of the state.

No. 143. Mr. Stirman, on leave, introduced Senate bill to be entitled an act to aid in the construction of the Memphis and Little Rock railroad.

Read the first time.

On motion of Mr. Stirman, the rules were suspended, the bill read the second time, by title, and referred to the committee on internal improvements.

No. 144. Mr. Redmond, on leave, introduced Senate bill to be entitled an act to amend the laws so as to require executors and administrators to give notice before applying for an order authorizing them to lease lands or hire slaves belonging to the estate of their testator or intestate.

Which was read the first time.

On motion of Mr. Redmond, the rules were suspended the bill read the second time, by title, and referred to the committee on the judiciary.

On motion of Mr. Hammond, the name of Mr. Pennington was added to the committee on swamp and overflowed lands.

On motion of Mr. Gaines, the Senate took a recess of fifteen minutes.

At the expiration of fifteen minutes, the President called the Senate to order.

Mr. McCreery, from the committee appointed to prepare resolutions relative to the death of Hon. C. C. Scott, made the following

REPORT:

Mr. President—

The undersigned, a committee, beg leave, respectfully to submit the following preamble and resolutions, and move their adoption by the Senate:

Whereas, The members of the Senate have received with deep regret, the sad and painful intelligence of the death of the Hon. Christopher C. Scott, one of the judges of the supreme court of this state, and while we bow submissively to this dispensation of Divine Providence which has removed from our state one of her wisest and most learned expounders of the law, we cannot refrain from mingling our tears with those who weep, and bearing our humble testimony to his manly virtues and sterling worth as a Christian, judge and friend; therefore, *Resolved*, That in the death of CHRISTOPHER C. SCOTT, not only have his family, the bar, the supreme bench, and the church, sustained a great loss, but the entire community has been robbed of one of its brightest ornaments, which leaves a chasm in the state—hard indeed to fill.

Resolved, That the members of the Senate each, respectfully, tender the warmest sympathies of their hearts to the family of the deceased, and, in respect to the memory of one so endeared to them by his many virtues, the members of the Senate will meet in a body at the Anthony House, at 8 o'clock to-morrow morning, to pay the last sad rite to his memory; and that we will wear the usual badge of mourning until the adjournment of this legislature.

Resolved, That these resolutions be entered upon the journals of the Senate, and a copy of the same transmitted to the Speaker ef the House of Representatives with a request that the House concur therein.

Resolved, That the secretary of the Senate be required to communicate the above proceedings to the family of the deceased.

McCREERY,
HAMMOND, } *Committee.*
FLOYD,

Which report was read and received, and,

On motion of Mr. Floyd, the resolutions were unanimously adopted by the Senate; and,

On his further motion, the secretary was instructed to transmit them to the House of Representatives forthwith.

On motion of Mr. Floyd, the Senate adjourned until 10½ o'clock to-morrow morning.

THOS. FLETCHER,
President.

* * *

FRIDAY, *January 21st*, 1859.

The Senate met pursuant to adjournment.

Roll called.

PRESENT—Messrs. Carrigan, Clark, Craighead, Davies, Douglas, Floyd, Gaines, Hammond, Jones, Marshall, McCreery, McColloch, Mecklin, Pennington, Redmond, Rosson, Stirman, Terry, Trimble, Watkins, Williams and Mr. President—22.

The journal of yesterday was read, approved and signed.

Mr. President announced that, pursuant to an order of yesterday, Senate bill No. 92, to be entitled an act to incorporate the Des Arc, Dardanelle and Fort Smith railroad company, would be taken up; which was done, and,

On motion of Mr. Watkins, the 19th section of the bill was stricken out.

On motion of Mr. Clark, the bill was then read the third time, by title, and passed.

The following message was received from the House of Representatives, by the clerk:

Mr. President—

I am instructed to inform your honorable body that the House of Representatives have concurred in Senate amendments to House bill No. 14, to be entitled "an act relating to insane paupers."

The House of Representatives have concurred in Senate preamble and resolutions, relative to the death of the Hon. C. C. Scott."

Said resolutions are herewith returned.

The House of Representatives have adopted the following joint resolution:

Resolved, That, with the concurrence of the Senate, the two houses will convene in this hall on Saturday week next [29th] at 11 o'clock, a. m., for the purpose of electing a treasurer and auditor for the state.

Which is herewith transmitted for the concurrence of your honorable body, which is respectfully asked.

The House of Representatives have adopted House joint resolution No. 53, relative to a mail route from Washington, in Hempstead county, to Dallas, in Polk county.

Which is herewith transmitted for the concurrence of your honorable body, which is respectfully asked.

The House of Representatives have passed the following House bills, viz:

No. 226, to be entitled "an act to change the time for holding the election of judge of the 5th judicial circuit of this state."

Engrossed House bill No. 265, to be entitled "an act to compensate judges and clerks of elections in the counties of Pope, Lafayette, Benton, Washington, Crittenden, Clark, Ouachita, Yell, White, Perry, Calhoun, Phillips, Union, Independence, Randolph, Greene, Ashley, Jackson, Dallas and Chicot.

No. 279, to be entitled "an act to aid in the construction of railroads in Pulaski county, Arkansas."

No. 281, to be entitled "an act for the amendment of the charter of the city of Little Rock."

Which four bills are herewith transmitted for the assent of your honorable body, which is respectfully asked.

S. M. SCOTT, *Clerk of*
House of Representatives.

Pursuant to order of yesterday, Senate bill No. 136, to be entitled "an act to permit the Memphis and Little Rock railroad company, and the Little Rock and Fort Smith railroad company, to consolidate said companies into one company, to be known and called the Central Pacific railroad company," was taken up.

On motion of Mr. Gaines, a call of the Senate was made.

Mr. Craighead being absent without leave, the door-keeper was instructed to procure his attendance; and, after a short time, returned with the absentee.

At the request of Mr. Gaines, the bill was then read for information; and, on his further motion, the same was amended by adding the words "and none other," at the end of the last section.

Mr. Floyd moved that the bill be put on its third reading; but, after some discussion, withdrew his motion.

Mr. McColloch offered to amend the bill by adding the following proviso to the last section:

Provided, That nothing contained in this act shall be so construed as to release any person who has subscribed stock in either of said companies from the payment of such stock, at such time and on such terms as they were bound to do by the charter of each of such companies.

Which amendment was read, and on motion of Mr. Floyd, adopted.

After some discussion, Mr. Carrigan moved to reconsider the vote on the adoption of the amendment, in order that the same, with the bill, might be referred to a committee; which motion was lost.

Mr. Floyd then renewed his motion to read the bill the third time.

Mr. Douglas moved to refer it to the committee on the judiciary.

Mr. Watkins was called to the chair.

After some discussion, Mr. Douglas withdrew his motion to refer the bill to the committee on the judiciary, and it was read the third time, when Mr. Rosson, demanded the yeas and nays on its passage.

Sustained and ordered with the following result:

YEAS—Messrs. Carrigan, Clark, Douglas, Floyd, Gaines, Hammond, Jones, McColloch, Mecklin, Redmond, Stirman, Terry, Trimble and Watkins—14.

NAYS—Messrs. Craighead, Davies, Marshall, McCreery, Pennington, Rosson, Williams and Mr. President—8.

So the bill passed.

Mr. Floyd moved to reconsider the vote just taken on the passage of Senate bill No. 136, on which motion Mr. Hammond demanded the yeas and nays.

Sustained and ordered with the following result:

YEAS—Messrs. Craighead, Davies, Gaines, Hammond, Marshall, McCreery, Watkins and Williams—8.

NAYS—Messrs. Carrigan, Clark, Douglas, Floyd, Jones, McColloch, Mecklin, Pennington, Redmond, Stirman, Terry, Trimble and Mr. President—13.

Mr. Rosson asked to be, and was, excused from voting.

So the motion to reconsider was lost.

The following messages was received from the Governor:

MR. PRESIDENT—

I am instructed by the governor to report to the Senate of the General Assembly of the State of Arkansas, that on the 19th January, 1859, he approved and signed "an act to exempt Jefferson and Randolph counties from the operations of an act entitled an act to authorize the county courts of Jefferson, Scott, Sebastian, Chicot, Hempstead and Randolph counties, to levy a road tax, and for other purposes, approved January 15th, 1857."

And that on the 20th January, 1859 he approved and signed "an act approving an act of the General Assembly of the State of Louisiana incorporating the Louisiana, Arkansas and Texas navigation company."

Also, "an act to amend the charter of the Cairo and Fulton railroad company."

R. H. JOHNSON,
Private Secretary.

EXECUTIVE OFFICE,
Little Rock, Arkansas,
21st January, 1859.

TO THE PRESIDENT OF THE SENATE—

I transmit, herewith, a copy of a communication which I received yesterday, giving official information of the death of the Hon. Christopher C. Scott, one of the associate justices of the supreme court of the State of Arkansas.

By this sad occurrence, the state has suffered a great loss.

It devolves upon the General Assembly to elect an associate justice of the supreme court, to fill the vacancy caused by the death of the distinguished and lamented Judge Christopher C. Scott.

ELIAS N. CONWAY.

(A COPY.)

Little Rock, *January 20th*, 1859.

His Excellency E. N. Conway,
Governor of the State of Arkansas:

Sir—We perform the melancholy duty of communicating to your excellency, that on last night, about one o'clock, the Hon. C. C. Scott, one of the associate justices of the supreme court, departed this life.

Respectfully, etc.,
E. H. ENGLISH, *Ch. J.*
F. I. BATSON, *J.*

Mr. Trimble, from the committee on enrollments, made the following

REPORT:

Mr. President—

The committee on enrollments have examined House joint resolution No. 43.

Also, House bill No. 67.

Also, House bill No. 201.

Also, House bill No. 9.

Also, House joint resolution No. 28.

Also, House bill No. 185.

Also, House bill No. 49.

Also, House bill No. 10.

Also, House bill No. 97.

Also, House bill No. 207.

Also, Senate bill No. 77.

Also, Senate bill No. 61.

Also, Senate bill No. 141, to be entitled an act to amend the charter of the Cairo and Fulton railroad company.

Also, Senate joint resolution, to provide for the binding of the report of the geological survey of the state, and have instructed me to report the same correctly enrolled.

J. S. TRIMBLE,
Chairman.

On motion of Mr. Davies, the Senate adjourned until 9 o'clock to-morrow morning.

THOS. FLETCHER,
President.

SATURDAY, *January* 22, 1859.

The Senate met pursuant to adjournment.

Prayer by Rev. D. L. G. McKenzie.

Roll called.

PRESENT—Messrs. Carrigan, Clark, Craighead, Davies, Douglas, Floyd, Gaines, Hammond, Jones, Marshall, McCreery, McColloch, Mecklin, Pennington, Redmond, Rosson, Stirman, Terry, Trimble, Watkins, Williams and Mr. President—22.

The journal of yesterday was read, approved and signed.

Mr. President laid before the Senate the following communication:

PLEASANT HILL, ARKANSAS,
January 17*th*, 1859.

Hon. THOMAS FLETCHER,
President of the Senate:

Dear Sir—I have been informed, since I came home, that some of my Crawford county constituents are displeased with me for opposing the reopening of the African slave trade; also for opposing the selling of the free negroes into slavery, and, inasmuch as I believe I was right, and think so yet, there is but the one alternative for me, and that is to resign. I therefore offer to you my resignation as state senator, from the counties of Crawford and Franklin, and you can so inform the governor at as early a day as you may think proper.

Yours, respectfully,
J. P. HUMPHREYS.

Petitions from counties were in order.

Mr. Davies presented the petition of sundry citizens of Greene county, praying the General Assembly to donate two hundred acres of state swamp and overflowed land to J. W. Edmondston, for the purpose of assisting him in building a mill on the waters of "eight mile creek," in said county.

Which petition was read, and on motion of Mr. Davies, referred to the committee on the landed interests of the state.

On motion of Mr. Redmond, the name of Mr. McColloch was added to the committee appolnted to investigate and ascertain the true amount of scrip issued by the first board of swamp land commissioners.

On the further motion of Mr. Redmond, said committee was authorized to employ a clerk.

Mr. McCreery offered Senate joint resolution No. 28, to-wit:

Resolved by the General Assembly of the State of Arkansas, That the interests of north Arkansas require that the mails for that section should be placed under the care of proper agents, and that our Senators in Congress, and our Representatives be requested to procure the appointment of mail agents on the White river mail routes.

Which was read, and on motion of Mr. McCreery, adopted.

Mr. Pennington offered the following, to be proposed as amendment to the constitution, to-wit:

Joint resolution, proposing to amend the constitution of the state in reference to the jurisdiction of justices of the peace:

Be it resolved by the General Assembly of the State of Arkansas, That the 15th section of the 6th article of the constitution of this state, be amended by adding thereto a clause as follows:

"All civil actions cognizable before justices of the peace except suits by attachment, shall be brought before a justice of the peace of the township in which the defendant resides, or if there be several defendants the action shall be brought in the township where one of them resides."

Which was read, and on motion of Mr. Floyd, referred to the committee on the jndiciary.

Mr. Gaines, from the committee on the judiciary, made the following

REPORT:

Mr. President—

The judiciary committee, to whom was referred Senate bill No. 26, to be entitled an act to repeal section three, of chapter 51, title, "trespass on personal property," of the Digest of 1858 of the Statutes of Arkansas, and for other purposes, have had the same under consideration, and have instructed me to report it back to the Senate and recommend its passage.

GAINES,
Chairman.

Which report was read and received.

Mr. Floyd moved that the bill be put on its third reading.

After some debate, Mr. Clark moved that it be recommitted to the committee on the judiciary; which motion was lost.

On motion of Mr. Hammond, the bill was indefinitely postponed.

Mr. Gaines, further from said committee, made the following

REPORT:

Mr. President—

The committee, on the judiciary, to whom was referred Senate bill No. 27, to be entitled an act to amend chapter 51, part XII, of the Digest of the Statutes, in relation to the punishment of slaves for felonies, have had the same under consideration, and have instructed me to report it back to the Senate and recommend its passage.

GAINES,
Chairman.

Which report was read and received.

Mr. Clark moved to put the bill on its third reading, but after some discussion, withdrew his motion, when Mr. McColloch offered to amend by inserting " ninety-nine," in lieu of " thirty-nine," at the end of the first section of the bill.

On motion of Mr. Stirman, said amendment was laid on the table.

Mr. Davies moved to amend by inserting " fifty " in lieu of " thirty-nine."

Mr. Craighead offered to amend the amendment by inserting in lieu thereof, the words " shall be chastised at the discretion of the jury trying the case."

Which was accepted by Mr. Davies.

On motion of Mr. Carrigan, the bill, with the amendment, was recommitted to the committee on the judiciary.

Mr. Gaines further, from said committee, made the following

REPORT:

Mr. President—

The committee on the judiciary, to whom was referred Senate bill No. 35, to be entitled an act to prevent parties from recovering more costs than judgment for trespass for slanderous words spoken, have had the same under consideration and have instructed me to recommend an amendment by striking out the word "judgment" in the sixth line of section one, and inserting the word "damages," and as amended to recommend its passage.

GAINES,
Chairman.

Which report was read and received.

On motion of Mr. Floyd, the amendment was adopted.

On the further motion of Mr. Floyd, the bill was read the third time and passed.

Mr. Gaines, further from the committee on the judiciary, made the following

REPORT:

Mr. President—

The committee on the judiciary to whom was referred Senate bill No. 97, to be entitled an act to constitute certain acts of individuals high misdemeanors, have had the same under consideration, and have instructed me to report it back to the Senate and recommend its passage.

GAINES,
Chairman.

Which report was read and received.

Mr. Terry moved to amend the bill by inserting the word " family," in lieu of the word " person," wherever it occurs in the bill, except in the second line of the first section.

After some discussion, Mr. Terry withdrew his amendment, and

On motion of Mr. Williams, the bill was read the third time and passed.

Mr. Gaines, further from the committee on the judiciary, made the following

REPORT:

The judiciary committee to whom was referred Senate bill No. 115, to be entitled "an act in relation to minors who have no guardians," have had the same under consideration and propose to amend by striking out the word "legacy," in the sixth line, and inserting the word "estate," in lieu thereof, and by striking out the word "funds," in the twelfth line of the first section, and inserting the word "estate," in lieu thereof, and thus amended to recommend its passage.

GAINES,
Chairman.

Which report was read and received.

On motion of Mr. Clark, the amendments proposed by the committee, were adopted.

On motion of Mr. Redmond, the bill was then read the third time, as amended, and passed.

The following message was received from the House of Representatives by the clerk:

Mr. President—

I am instructed to inform your honorable body that the House of Representatives have amended and assented to Senate bill No. 140, to be entitled "an act to distribute the new Digest of the Statutes of Arkansas."

Said bill is herewith returned, with the amendment thereto, in which the concurrence of your honorable body is respectfully asked.

The House of Representatives have adopted House joint resolution No. 11, relative to removing the United States land office from Fayetteville to Huntsville.

Said resolution is herewith transmitted for the concurrence of your honorable body, which is respectfully asked.

The House of Representatives have passed the following bills, to-wit: engrossed House bill No. 75, to be entitled "an act to provide for the purchase and distribution of 100 copies of English's Digest of the decisions of the Supreme Court of the State of Arkansas.

No. 285. To be entitled an act to repeal an act entitled an act providing for the sale of fractional section 16, in township 6, north of range 9 east, in Crittenden county," approved 30th November, 1854, and for other purposes.

No. 286. To be entitled an act to authorize and require the common school commissioner of Monroe county, to sell section 16, in township 1, south of the base line, and range two east, of the fifth principal meridian, and

No. 288. To be entitled "an act to change the time of holding the county court of Arkansas county."

Said bills are herewith transmitted for the assent of your honorable body, which is respectfully asked.

S. M. SCOTT, *Clerk of*
House of Representatives.

Mr. Clark, from the committee on the landed interests of the state, made the following

REPORT:

Mr. President—

The committee on the landed interest, to whom was referred Senate bill No. 142, to be entitled an act authorizing the swamp land agent at Little Rock, to correct swamp land certificate No. 2140, have had the same under consideration, and have instructed me to report the same back to the Senate and to recommend its passage.

CLARK,
Chairman.

Which report was read and received.

Mr. Clark moved to put the bill on its third reading, but after some discussion, the same was postponed for the present.

Mr. Redmond, from the committee on internal improvements, made the following

REPORT:

Mr. President—

The committee on internal improvements, to whom was referred Senate bill No. 143, to be entitled an act to aid in the construction of the Memphis and Little Rock railroad, have had the same under consideration, and a majority of said committee have instructed me to report the same back to the Senate and recommend its passage.

REDMOND,
Chairman.

Which report was read and received.

On motion of Mr. Terry, the bill was made the special order for Wednesday next, at 11 o'clock, a. m.

The following message was received from the governor:

Mr. President—

I am instructed by the governor, to report to the Senate, that on the 21st of January, 1859, he approved and signed "an act to repeal, in part, an act incorporating the town of Carrollton, in the county of Carroll, State of Arkansas."

"An act to make the Saline river, at Long View, the line between Ashley and Bradley counties;" and a joint resolution authorizing and providing for the binding of the geological reports.

R. H. JOHNSON,
Private Secretary.

Mr. Redmond, from the committee on internal improvements, made the following

REPORT:

Mr. PRESIDENT—

The committee on internal improvements, to whom was referred House bill No. 224, to be entitled an act to authorize the governor to subscribe for stock in certain railroads, have had the same under consideration, and a majority of said committee have instructed me to report the same back to the Senate and recommend its passage.

REDMOND,
Chairman.

Which report was read and received.

Mr. Davies moved to amend the bill so as to appropriate the five per cent fund equally to the Memphis and Little Rock, the Mississippi and Ouachita, and the Cairo and Fulton railroad companies.

Mr. Floyd moved the indefinite postponement of said amendment, on which motion Mr. Marshall demanded the yeas and nays.

Sustained and ordered, with the following result:

YEAS—Messrs Carrigan, Clark, Douglas, Floyd, Gaines, Hammond, Jones, McCreery, McColloch, Mecklin, Redmond, Stirman, Terry and Watkins—14.

NAYS—Messrs. Craighead, Davies, Marshall, Pennington, Rosson, Trimble, Williams and Mr. President—8.

So the amendment was indefinitely postponed.

Mr. Marshall was called to the chair.

Mr. Rosson moved to postpone the bill under consideration until next Wednesday, at 11 o'clock, a. m.

Mr. Redmond called for the yeas and nays on said motion, which call being sustained, was made with the following result:

YEAS—Messrs. Craighead, Davies, Douglas, Marshall, McCreery, Pennington, Rosson, Stirman, Trimble, Williams and Mr. President—11.

NAYS—Messrs. Carrigan, Clark, Floyd, Gaines, Hammond, Jones, McColloch, Mecklin, Redmond, Terry and Watkins—11.

So the motion to postpone until Wednesday, was lost.

Mr. President resumed the chair.

On motion of Mr. Floyd, the bill was read the third time and the question being on its passage, Mr. Marshall called for the yeas and nays.

Sustained and called with the following result:

YEAS—Messrs. Carrigan, Clark, Floyd, Gaines, Hammond, Jones, McColloch, Mecklin, Redmond, Stirman, Terry, Trimble, Watkins, Williams and Mr. President—15.

NAYS—Messrs. Craighead, Davies, Douglas, Marshall, McCreery, Pennington and Rosson—7.

So the bill passed.

Message from the House of Representatives by their clerk:

Mr. PRESIDENT—

I am instructed to inform your honorable body that the House of Representatives have passed House bill No. 291, to be entitled " an act to enable Missouri F. Harris, wife of Ptolemy T. Harris, to become guardian to her minor children.

Which is herewith transmitted for the assent of your honorable body, which is respectfully asked.

S. M. SCOTT, *Clerk of*
House of Representatives.

No. 145. Mr. Marshall, on leave, introduced Senate bill, to be entitled an act for the benefit of the citizens of township sixteen north of range one west.

Which was read the first time.

On motion of Mr. Marshall, the rules were suspended, the bill read the second time, by title, and referred to the committee on education.

Mr. Trimble, from the committee on enrollment, made the following

REPORT:

Mr. PRESIDENT—

The committee on enrollment did, on the 21st inst., hand to the governor, for his approval, House joint resolution No. 43.

Also, House bill No. 67.
Also, House bill No. 201.
Also, House bill No. 9.
Also, House joint resolution No. 28.
Also, House bill No. 185.
Also, House bill No. 49.
Also, House bill No. 10.
Also, House bill No. 97.
Also, House bill No. 207.
Also, Senate bill No. 77.
Also, Senate bill No. 61.

Also, Senate bill No. 141, to be entitled an act to amend the charter of the Cairo and Fulton railroad company.

Also, Senate joint resolution to provide for the binding of the report of the geological survey of the state; and have instructed me to report the same.

J. S. TRIMBLE,
Chairman.

No. 146. Mr. Stirman introduced Senate bill to be entitled an act to provide the clerk's office of each county in this state with a copy of Langtree's new sectional map of Arkansas.

Which was read the first time.

On motion of Mr. Stirman, the rules were suspended and the bill read the second time, by title.

Mr. Stirman moved a further suspension of the rules, but Mr. Hammond objected, and

On motion of Mr. Rosson the bill was referred to the committee on ways and means.

Mr. Rosson moved that the Senate adjourn until 10 o'clock Monday morning; which motion was lost.

No. 147. Mr. Carrigan introduced a bill to be entitled an act to allow persons owning land to change the public road or highway, when said road runs over the land of said person.

Which was read the first time.

On motion of Mr. Carrigan, the rules were suspended, the bill read the second time, by title, and referred to the committee on public roads.

On motion of Mr. Terry, the Senate adjourned until 9½ o'clock Monday morning.

THOS. FLETCHER,
President.

MONDAY, *January 24th*, 1859.

The Senate met pursuant to adjournment.

Prayer by Rev. D. L. G. McKenzie.

The roll was called, when the following senators answered to their names:

Messrs. Carrigan, Clark, Craighead, Davies, Douglas, Floyd, Gaines, Hammond, Jones, Marshall, McCreery, McColloch, Mecklin, Pennington, Redmond, Rosson, Stirman, Terry, Trimble, Watkins, Williams and Mr. President—22.

The journal of Saturday was read, approved and signed.

Mr. Carrigan presented the credentials of Hon. Josiah Gould, senator elect from the counties of Dallas and Bradley, to fill the vacancy occasioned by the resignation of Hon. John R. Hampton; whereupon, Mr. Gould came forward and received the oath of office, which was administered by the President of the Senate, and took his seat.

Motions and resolutions were in order.

On motion of Mr. Gaines, House bill No. 291, to be entitled an act to enable Missouri F. Harris, wife of Ptolemy T. Harris, jr., to become guardian to her minor children, was taken up and read the first time.

On the further motion of Mr. Gaines, the rules were suspended, the bill read the second time, by title, and referred to the committee on the judiciary.

Mr. Davies offered the following joint

RESOLUTION:

Be it resolved by the General Assembly of the State of Arkansas, That the secretary of the Senate and clerk of the House of Representatives be required to pay the postage on the report of the accountants on the banks of this state, which are now ready for distribution, to be paid out of the contingent fund of the General Assembly.

Which was read, and ordered to remain on the table for the present.

Mr. Pennington offered the following

RESOLUTIONS:

Resolved, That the sum of forty-two dollars be allowed Mr. J. K. P. Pritchard, for assisting the secretary of the Senate seven days, during the sickness of the assistant secretary, he having been employed for that purpose under a resolution of the Senate.

Which was read and adopted.

Mr. Floyd, from the committee on banks, made the following

REPORT:

Mr. President—

The standing committee on banks, to whom was referred House bill No. 4, to be entitled an act to prevent the people from being defrauded with bank paper, have had the same under consideration, and a majority of them have instructed me to report the same back to the Senate, and recommend its passage.

FLOYD,
Chairman.

Which report was read and received.

Mr. Stirman moved to amend the bill by striking out the word "twenty," in the second section, and inserting "fifty" in lieu thereof.

Mr. Carrigan offered to amend by adding "that the provisions of this act shall not apply to the counties of Hempstead, Sevier and Lafayette."

Mr. Marshall moved to lay both the amendments on the table.

Mr. Stirman called for a division of the question; which was made, and the chair having stated that the vote would be first taken on the question to lay the amendment offered by Mr. Carrigan on the table, Mr. Stirman demanded the yeas and nays thereon, which was Sustained, and the roll called:

Yeas—Messrs. Clark, Craighead, Davies, Douglas, Floyd, Gaines, Gould, Marshall, McCreery, Mecklin, Rosson, Stirman, Terry, Trimble, Watkins, Williams and Mr. President—17.

Nays—Messrs. Carrigan, Hammond, Jones, McColloch, Pennington and Redmond—6.

So the amendment offered by Mr. Carrigan was laid on the table.

The question was then stated, on the motion to lay the amendment offered by Mr. Stirman on the table, when Mr. Floyd demanded the yeas and nays; which was sustained, and the call made:

Yeas—Messrs. Carrigan, Craighead, Douglas, Floyd, Gaines, Hammond, Jones, Marshall, McColloch, Mecklin, Pennington, Redmond, Rosson, Watkins and Williams—15.

Nays—Messrs. Clark, Davies, Gould, McCreery, Stirman, Terry, Trimble and Mr. President—8.

So the amendment offered by Mr. Stirman was laid on the table.

Mr. Stirman then moved the indefinite postponement of the bill; on which motion Mr. Clark demanded the yeas and nays.

Sustained and ordered:

Yeas—Messrs. Carrigan, Hammond, Jones, McColloch, Redmond and Stirman—6.

Nays—Messrs. Clark, Craighead, Davies, Douglas, Floyd, Gaines, Gould, Marshall, McCreery Mecklin, Pennington, Rosson, Terry, Trimble, Watkins, Williams and Mr. President—17.

So the motion was lost.

Mr. Clark then offered to amend the bill by adding the following proviso to the second section, to-wit:

"*Provided*, That nothing herein contained shall be so construed as to prevent the circulation of negotiable paper, or county scrip or warrants."

Which was read, and, on motion of Mr. Craighead, adopted.

Mr. Hammond moved to amend by exempting the town of Hot Springs from the provisions of the bill.

Mr. Floyd moved to postpone the amendment indefinitely, and Mr. Hammond called for the yeas and nays thereon, which call being sustained, they were ordered:

Yeas—Messrs. Clark, Craighead, Davies, Douglas, Floyd, Gaines, Gould, Marshall, McCreery, Mecklin, Redmond, Rosson, Stirman, Terry, Trimble, Watkins, Williams and Mr. President—18.

NAYS—Messrs. Carrigan, Hammond, Jones, McColloch and Pennington—5.

So the amendment was indefinitely postponed.

Mr. Craighead moved, as an amendment, to strike out the second section of the bill.

Mr. Redmond moved to re-commit the bill and amendment to the committee on banks; which motion was lost.

Mr. Clark moved to amend the amendment by striking out the word "twenty," in the second section.

Mr. Stirman moved to lay both the amendment and the amendment offered thereto on the table.

Which motion, on a division of the question, prevailed.

On motion of Mr. Gaines, the bill was read the third time, as amended, and, the question being on its passage, Mr. Craighead demanded the yeas and nays thereon, which demand was sustained, and the roll called with the following result:

YEAS—Messrs. Clark, Davies, Douglas, Floyd, Gaines, Gould, Marshall, McCreery, Mecklin, Pennington, Redmond, Rosson, Stirman, Terry, Trimble, Watkins and Mr. President—17.

NAYS—Messrs. Carrigan, Craighead, Hammond, Jones, McColloch, and Williams—6.

So the bill passed.

The following message was received from the House of Representatives by their clerk:

Mr. PRESIDENT—

I am instructed to inform your honorable body that the House of Representatives have assented to Senate joint resolution No. 19, relative to the monument fund in the treasury from Jefferson county.

Said resolution is herewith returned.

The House of Representatives have passed House bill No. 290, to be entitled " an act to charter St Charles Academy."

Said bill is herewith transmitted for the assent of your honorable body, which is respectfully asked.

S. M. SCOTT, *Clerk of*
House of Representatives.

Mr. Redmond, from the committee on ways and means, made the following

REPORT:

Mr. PRESIDENT—

The committee on ways and means, to whom was referred House bill No. 33, to be entitled an act to change the mode of assessing and collecting the state and county taxes of Ouachita, Randolph, and Benton counties, have had the same under consideration, and have requested me to report the same back to the Senate and recommend its passage.

REDMOND,
Chairman.

Which report was read and received.

On motion of Mr. Douglas, the county of Benton was stricken out of and exempted from the provisions of the bill.

On motion of Mr. Davies, the county of Greene was inserted in and made subject to the provisions of the bill.

On motion of Mr. McColloch, the bill was postponed for the present.

Mr. Redmond, from the same committee, made the following

REPORT:

Mr. President—

The committee on ways and means, to whom was referred Senate bill No. 146, to be entitled an act to provide the clerk's office of each county in this state with a copy of Langtree's new sectional map of Arkansas, have had the same under consideration, and a majority of said committee have instructed me to report it back and recommend its rejection.

REDMOND,
Chairman.

Which report was read, and Mr. Rosson moved its adoption.

Mr. Stirman moved to reject the report.

The question was stated on the adoption of the report, and Mr. Stirman demanded the yeas and nays thereon, which being sustained were ordered:

Yeas—Messrs. Carrigan, Douglas, Hammond, Marshall, Mecklin, Pennington, Rosson, Watkins and Williams—9.

Nays—Messrs. Clark, Craighead, Davies, Floyd, Gaines, Gould, Jones, McCreery, McColloch, Redmond, Stirman, Terry, Trimble and Mr. President—14.

So the report was not adopted.

On motion of Mr. Floyd, the bill was then read the third time and passed.

Mr. Gaines, from the committee on the judiciary, made the following

REPORT:

Mr. President—

The judiciary committee, to whom was referred House bill No. 11, have considered the same, and adopted a substitute by way of amendment, and instruct me to report the same back, and recommend the adoption of the substitute.

GAINES,
Chairman.

Which report was read and received; and on motion of Mr.

Gaines, the substitute was adopted in lieu of the original bill, to be entitled an act to fix the pay of jurors.

On motion of Mr. Terry, the rules were suspended, the bill read the second time.

On motion of Mr. Clark, the rules were again suspended, said substitute read third time and passed.

Mr. Hammond, from the committee on swamp and overflowed lands, made the following

REPORT:

Mr. President—

The committee on swamp and overflowed lands, to whom was referred Senate bill No. 54, to be entitled an act to provide for the correction of errors in the sale of state lands, and for other purposes, have had the same under consideration, and a majority being present, have instructed me to report the same back and recommend its passage.

HAMMOND,
Chairman.

Which report was read and received.

On motion of Mr. Clark, the bill was laid on the table for the present.

On motion of Mr. Craighead, the Senate adjourned until 10 o'clock to-morrow morning.

THOS. FLETCHER,
President.

◆

Tuesday, *January* 25, 1859.

The Senate met pursuant to adjournment.

Prayer by Rev. D. L. G. McKenzie.

Roll called.

Present—Messrs. Carrigan, Clark, Craighead, Davies, Douglas, Floyd, Gaines, Gould, Hammond, Jones, Marhall, McCreery, McColloch, Mecklin, Pennington, Rosson, Terry, Trimble, Watkins, Williams and Mr. President—21.

The journal of yesterday was read, approved and signed.

On motion of Mr. Clark, the name of Mr. Gould was added to the committee on the judiciary.

On motion of Mr. Hammond, the name of Mr. Gaines was added to the committee on swamp and overflowed lands.

On motion of Davies, the name of Mr. Clark was also added to said committee.

Mr. President announced that, pursuant to previous order, Senate bill No. 108, to be entitled an act to provide for the further prosecution of the geological, mineralogical and chemical survey of the State of Arkansas, in connection with an agricultural and botanical survey of said state, would be taken up, which was done.

The bill being subject to amendment, Mr. Douglas offered to amend by adding the following after section 11, viz:

Sec. 12. The same amount which is appropriated to the state geologist, shall likewise be appropriated to a phrenologist; also, a like amount to a botanist; a similar amount to a zoologist; and a like amount to an ornithologist, and their several assistants, who shall likewise be appointed by the governor, and shall continue in office fifty-four years, unless removed before that time, for incompetency, or a failure to discharge their duties under the provisions of this act; in which case, or in case of the death or resignation of any of said officers, it shall be the duty of the governor to appoint others in their places.

Sec. 13. The several officers mentioned in the preceding sections of this act, shall make their reports upon the sciences to which they severally belong, on the said 10th day of October, 1860, and on the 10th day of October, every two years thereafter, unless the same shall happen on Sunday, and in that case, they shall make report on the day thereafter; and the sum of one hundred thousand dollars is hereby appropriated every two years, to be applied to the printing, binding and gratuitous distribution of said reports among the citizens of the state; and the secretary of state shall also forward one copy of each report to the governor of every state in the Union, except such as may be known to be black republican governors; also, one copy to the Queen of England, and to the Emperors of France and Russia; also a copy to the Queen of Spain; *Provided*, That government will sell Cuba to the United States on reasonable terms.

Sec. 14. It shall be the duty of the phrenologist to examine and report upon the heads of all the free white male and female citizens in the state, and their children, except such as may refuse to have their heads examined. The botanist shall examine and report upon all the plants and vegetables in the state, especially such as have medicinal properties. The zoologist shall make report upon all the animals in the state, whether bipeds or quadrupeds, describing their various properties, natures, and uses; and whether gregarious in their habits or not, and whether mammiferous, herbiverous, graniverous or carniverous; and the ornithologist shall make a like examination, and report upon all the birds and fowls of the state, giving an accurate description of their habits, natures and uses, after the manner of the celebrated John J. Audubon; not neglecting always to state whether such birds or fowls are gregarious or not, and whether herbiverous, graniverous, carniverous or vociferous.

Sec. 15. Said survey or reconnoisance of the state, by the several officers aforesaid, shall commence in the county of Benton, and extend east through the counties bordering on the State of Missouri, to the Mississippi river; thence south, through the counties bordering on said river, to the Louisiana line; thence west through the counties bordering on said Louisiana line to the western boundary of the state; thence north through the counties bordering on the Indian line, to the southern boundary of Benton county; thence east, south, west and north again, making a continuous round till the whole of the fifty-four counties in the state shall have been thoroughly examined and reported upon according to the provisions of this act.

Which amendment was read.

Mr. Davies offered to amend the amendment by the following additional section, to-wit:

Sec. —. That the governor be required to appoint a competent lecturer on agriculture, which lecturer shall receive as a compensation for his services, annually, three thousand dollars; whose duty it shall be to visit the several counties in this state and lecture at the county seats of all the counties, on the subject of agriculture, and to collect agricultural statistics, which in his opinion would be best calculated to promote the best interests of the farmer in Arkansas, and thus establish a judicious, economical and well regulated system of this nature, with the same privileges extended to him, as are provided for the state geologist.

Which amendment was read, when Mr. Douglas accepted it as a part of his amendment.

Mr. Watkins moved the indefinite postponement of the amended amendment, and demanded the yeas and nays thereon, which demand was sustained and the roll called.

Yeas—Messrs. Carrigan, Clark, Craighead, Floyd, Gaines, Hammond, Jones McCreery, Mecklin, Pennington, Rosson, Stirman, Terry, Trimble Watkins, Williams and Mr. President—17.

Nays—Messrs. Davies, Douglas, Marshall and McColloch—4.

So the motion to postpone indefinitely prevailed.

Mr. Gould not being in the Senate chamber when the question on the indefinite postponement of the amendment was stated, asked to be, and was, excused from voting.

The bill was then read for information.

On motion of Mr. Floyd, the words "three thousand," in the 3d line of the 10th section, relating to the salary of the geologist, were stricken out, and the words " two thousand five hundred" inserted in lieu thereof.

Mr. Davies moved to strike out the words " seven thousand and two hundred" in the 7th line of the 11th section, and insert " three hundred" in lieu thereof.

On which motion Mr. Douglas called for the yeas and nays, which call was sustained and ordered.

Yeas—Messrs. Craighead, Davies, Douglas, Gould, Jones Marshall, McColloch, Pennington, Rosson, Trimble, Watkins and Williams—12.

Nays—Messrs. Carrigan, Clark, Floyd, Gaines, Hammond, McCreery, Mecklin, Stirman, Terry and Mr. President—10.

So the motion prevailed.

Mr. Pennington moved to reconsider the vote just taken.

Mr. Davies demanded the yeas and nays on the motion to reconsider, and the demand having been sustained, the roll was called:

Yeas—Messrs. Carrigan, Clark, Craighead, Floyd, Gaines, Gould, Hammond, McCreery, McColloch, Mecklin, Pennington, Stirman, Trimble and Mr. President—14.

Nays—Messrs. Davies, Douglas, Jones, Marshall, Rosson, Terry, Watkins and Williams—8.

So the vote was reconsidered.

On motion of Mr. Floyd, the bill was recommitted to the select committee on the geological survey.

Message was received from the House of Representatives, by the clerk:

Mr. President—

I am instructed to inform your honorable body that the House of Representatives have adopted the following joint resolution, viz:

Resolved, That when the two houses meet on the 29th inst., to elect an auditor and treasurer, that they proceed to elect an associate justice of the supreme court, to fill the vacancy occasioned by the death of the late C. C. Scott, and that the Senate be requested to concur herein.

Which said resolution is herewith transmitted for the concurrence of your honorable body, which is respectfully asked.

S. M. SCOTT, *Clerk of*
House of Representatives.

The following messages were received from the governor:

Executive Office,
Little Rock, Arkansas,
25th January, 1859.

To the President of the Senate of the
General Assembly of the State of Arkansas:

For the office of Chancellor, under "an act to establish a separate court of chancery at the seat of government, so that the causes of the state, including that against the trustees and officers of the Real Estate Bank, and those of individuals, may be determined as early as practicable," approved 15th January, 1855, I nominate Hulbert F. Fairchild, and appoint him to said office of chancellor, provided the Senate of the General Assembly of the State of Arkansas advise and consent thereto.

Under and by authority of "an act providing for a solicitor general for the state," approved 14th January, 1857, I nominate Samuel H. Hempstead for the office of solicitor general, and appoint him to said office, provided the Senate of the General Assembly of the State of Arkansas advise and consent thereto.
ELIAS N. CONWAY.

Executive Office,
Little Rock, Arkansas,
25th January, 1859.

To the President of the Senate
of the General Assembly of the State of Arkansas:

By the unofficial communication of Ethel H. Porter, a copy of which is herewith transmitted, it appears that the secretary of the interior, on the first day of November, 1858, rendered a decision with regard to the lands selected as swamp and overflowed lands by agents of this state and reported to the general land office, before the 3d March, 1857, confirming all such as had been so selected and reported, except such as had been sold at the United States' land offices, and such as pre-emptors are entitled to.

It appears by this communication that the State of Arkansas, had, on the first day of October, 1858, upwards of five millions of acres of unsold swamp and overflowed lands.

I also transmit a copy of a letter from the commissioner of the general, land office, dated December 6th, 1858, stating that "the lists of swamp land selections in Arkansas, are now being examined with the view of certifying to the state those lands properly enuring to her under the grant of 1850; and we intend to continue this work until it shall be fully completed."
ELIAS N. CONWAY.

[A COPY.]

Little Rock, 20*th January*, 1859.

To His Excellency, Elias N. Conway,
Governor of Arkansas:

Sir—It affords me great pleasure to report to you the result of our joint effort in getting the prolonged and vexed question finally, and I trust forever settled, as regards the quantity and titles of swamp and overflowed land, granted to the State of Arkansas by acts of Congress of the 28th September, 1850, and the 3d of March, 1857.

After receiving such papers and documents as you were kind enough to furnish, I prepared an appeal to the secretary of the interior, from the dicision of the commissioner of the General land office, a copy of which accompanies, this report, marked [A.] This appeal I presented in person, the first of July last, when the secretary of the interior took it under advisement. From an interview which I had with him again; in August, I found that among the multiplicity of important subjects which are constantly presented for his consideration and decision, he had not neglected our appeal, and as he let his clear and powerful mind rest upon the subject there presented, he saw distinctly and comprehended fully the vast importance of the decision we had asked him to make.

To make some points contained in our appeal, about which there might be doubts, more clear and conclusive, I procured more documentary evidence, and presented it in the form of an argument, to the Hon. Secretary, in October, and remained in Washington. superintending the investigation of the case until its final decision, on the first of November last. I herewith send you a copy of this last mentioned document, marked [B.]

After an impartial and strict examination of all the interests involved in this the most important land case ever decided by the department of the interior, the Hon. Secretary has decided to sustain our appeal in all important particulars. The substance of this decision may be summed up as follows:

1st. All selections of lands once confirmed to the State of Arkansas as swamp and overflowed land under the grant of 1850, are always confirmed. No person or party corporate, or otherwise, can go behind said confirmation to contest the character of the land, and patents *must issue* to the State whenever the governor requires it, whether it be in one month or twenty years after confirmation.

2d. The act of Congress of March 3d, 1857, confirmed to the State of Arkansas all the lands that had been selected as swamp and overfloowed land under the grant of 1850, "*if information of such selection had been given to the commissioner of the general land office*, excepting such land as could be claimed by pre-emptors, 28th September, 1850, and such as had been sold in the federal land offices, while the swamp land selections were being made." The State, however, gets the proceeds of such lands.

This decision gives to the State of Arkansas all the swamp land selected by her agents on examination, and by the surveyor general from field note descriptions, with the above named exceptions, embracing lists A, B, D, E, and C, No. 1, E and C, No. 2, E and C No. 3, E No. 4, E No. 5 and E No. 6, which contain in the aggregate 9,264,365 75–100 acres.

The auditor, in his last report, states that there have been sold, in all, by the State, 3,691,752 11–100 acres—leaving unsold on the 1st October, 1858, 5,572,613 64–100 acres.

It will be seen that the extent and multiplicity of interests involved in this decision gives it an importance unequalled by any other land case ever decided by this department.

The purchasers of these lands from the State can now get their titles perfected as soon as patents can issue, securing them in the land which has been selected for work already done. The work of reclamation can now go forward to completion as there is an abundant fund left, if properly directed and used to do all that is necessary, and have a surplus left.

From an examination of the lists of land, before referred to, I find the unsold balance of land remaining in each federal land district, as follows, to-wit:

Helena district		999,713	acres.
Batesville	"	2,226,840	"
Little Rock	"	790,376	"
Champagnolle district		687,416	"
Washington	"	595,140	"
Clarksville	"	259,820	"
Fayetteville	"	13,308	"
Making in all		5,572,613	acres.

To allow for the amount of land disposed of in the two exceptions above named, and to provide for mistakes of all and every kind, I would recommend to set aside the **572,613** acres, and calculate that the State has now unexpended, five millions acres of swamp and overflowed land.

With respect, I remain
Your ob'dt. servant,
E. H. PORTER.

[A.]

To the Honorable Jacob Thompson,
Secretary of the Interior.

July, 1858.

The undersigned, your petitioners, respectfully represent, that, by the act of Congress of September, 1850, the general government donated to the State of Arkansas all the swamp and overflowed lands within her limits. Writing to the governor of said state, on the subject of this grant, November 21, 1850, the commissioner of the general land office said: "You will perceive that, by these instructions, the surveyor general is authorized to receive such reliable evidence of the character of any of these lands as may be presented by the authorities of the State; and, as many of the lands were probably surveyed at dry seasons, and hence are not represented by descriptive notes or plats as being of that character, I have supposed that it may be a matter of sufficient importance to induce you to call upon the county surveyors, or other respectable persons of your State, for a statement, under oath, of the swamp or overflowed lands in their respective counties. Such testimony, you perceive, will be regarded as establishing the facts of the case," etc.

Your petitioners state, that, on receipt of this communication by the governor of Arkansas, he transmitted the same to the speaker of the House of Representatives of that State, then in session, December 9, 1850; and the legislature, after consideration, had decided to select the swamp and overflowed lands donated to the State, as aforesaid, by having them examined; and, accordingly, by an act of January 6, 1851, that body authorized the governor to appoint three commisioners for the purpose, with power to appoint sub-commissioners, or agents, to assist in making the examinations. See act 1851, S. 1, 15 and 16. And, in accordance with said act, the governor appointed Creed Taylor, J. W. Buckner and C. Trousdale, commissioners, who, after taking the oath, and giving the bonds for $50,000 each, as required, entered upon their duties as such commissioners, and appointed one "respectable person" in each county, in which were swamp or overflowed lands, to examine and report, on oath, (the form of which was prepared and furnished by the surveyor general,) all lands that came under the denomination of the grant.

The said board of swamp land commissioners, proceeding to discharge their duties, also established their office at Helena, in said state, appointed a secretary and engineer, and proceeded to examine the several water-courses in the state, and determined where levees should be built, and the size thereof, as necessary to reclaim the lands donated to the state, as aforesaid.

As the persons appointed, as aforesaid, to select the swamp and overflowed lands, progressed in their work, they reported to the office of said board of swamp land commissioners, lists of said lands, sworn to, as per the form of oath prescribed by the surveyor general, as aforesaid, and copies of the same were made by the secretary aforesaid, one of which was sent to the governor of said state, to deposit with the surveyor general, to be by him forwardad to the general land office at Washington, and the said lists were so reported by him, September 22, 1852, marked A, and another retained at the office of the board. When a portion of said land had been selected, the said board of commissioners advertised for contractors to come forward, and undertake the work of building the levees and drains necessary to reclaim the said lands, their payment for said work to be in said lands so selected, at 50 and 75 cents per acre, according to situation, and designating the lands in which the locations could be made by the contractors in payment for their work aforesaid, both by the lists and plats.

Contracts for a large amount of levee work were accordingly entered into; and, when the work was completed and examined, and certified to by the levee engineer, selections were made, in payment for the same, of portions of said lands, so shown or designated as donated to the State as aforesaid, for this very purpose; and the board of swamp land commissioners accordingly gave certificates of such purchase.

Many of these certificats of purchase your petitioners and others have held for many years, hoping and expecting, constantly, that said lands so acquired by them would be patented to said State, so that said State could deed the same to us, and thus perfect our rights thereto; and especially did we so hope, expect and believe, when Congress, by the act of the 3rd of March, 1857, declared that the selections of swamp and overflowed lands granted to the several States, and reported to the commissioner of the general land office, *were thereby confirmed, and should be approved and patented as soon as practicable after the passage of said act.* Yet, your petitioners represent that more than a year has now elapsed since the passage of said act, and not a patent has issued to said State for an acre of land in the Helena district, where most of our said lands are located; and, by an examination of a list of lands lately confirmed; we are led to infer that the said act of March the 3rd, is treated by the commissioners of the general land office, so far as said State is concerned, as a dead letter, and that the "field-notes" are still considered by the officers having charge of that matter in the land department as the basis of evidence regulating said selections of lands for said State. And here the contest has been from the first, and, if permitted to continue, it will result in the still longer delay of titles, and lead to endless litigation, all which, your petitioners submit, was intended to be prevented by the said act of March 3d, which adopts and confirms all the selections of swamp and overflowed lands theretofore reported to the said commissioner of the general land office.

Was the said list marked A, selected by the State agents, and forwarded to the general land office by the surveyor general of Arkansas, Sept. 22, 1852, a report of selected land, according to the meaning and intention of said act? We contend respectfully it was. The certificate attached to the list, and here specially referred to, shows that the lands described in the same were selected as swamp and overflowed lands, and claimed by said State under the act of Congress of September 28, 1850, her agents having complied with all the requisitions of the surveyor general, and made oath to the character of said lands, in said list, in manner and form as prescribed by him.

It is true, the surveyor general, for some reason, sent with the said list, marked A, selected by the State agents as aforesaid, two other lists marked B and C, bearing the same date as list A—to wit: September 22, 1852. List B he certifies as swamp, from the field notes of surveyors, and not included in list A, and recommends that it be confirmed to the State, which was done. List C is a part of list A, but he certifies merely that the *field-notes* in his office do not show it to be swamp and overflowed, and recommends that it be suspended from confirmation, for further examination, which was also done. And now this work of re-examination, although cut-off by the act of March 3, 1857, as we hold, is still continued as it has been for five years, operating suspense and injury to all parties concerned. List after list has been approved by the surveyor general, and sent to the commissioner of the general land office, designated as lists E, snpplemental E and E, No. 1, E, No. 2, etc., and still there is a portion of the land selected by the State agents, and filed by the Governor with the surveyor general in 1852, embraced in list A, which was sold to your petitioners, or some of us, by the State of Arkansas, in 1852, but not yet confirmed by the commissioner of the general land office, nor patented to said State.

The honorable secretary of the interior will thus readily see to what confusion and uncertainty this long delay is tending.

Many purchasing these lands from the state in 1852–'3, have made improvements on and are cultivating the same, and yet the state has not received a patent, and consequently can make no title to the holders of her certificates of purchase. Further and extensive improvements are delayed, and those being made are hazarded by the continued uncertainty of the titles under this grant. Among these improvements, of a public as well as local advantage, is the *Memphis and St. Louis railroad*, the construction of which would now be in progress, had the State of Arkansas her patent to the portion of these lands over which the road must run and has been located.

Adverse claims are being set up, under the pre-emption laws, etc., for the best of these lands, as they enhance in value by reason of the levees and drains now nearly completed, (and which would have been entirely so, but for this needless delay, uncertainty and confusion of titles,) greatly to the annoyance of your petitioners.

Your petitioners so speak, because, on examination of the records, they find that the surveyor general, Milbourne, who succeeded Mr. Gibson, did, on the 11th day of June, 1853, recommend that the rejected or suspended list of land, marked C, *should be confirmed to the state as swamp and overflowed land.* After stating the reasons of his recommendation, to which your petitioners beg leave to refer, he says: "I would, therefore, recommend that all the lands embraced in the rejected lists, marked C, be confirmed to the state immediately, as coming within the scope of the act of 28th September, 1850," adding some exceptions not material to the interests involved, and proceeding, " I can see no good and sufficient cause for refusing to assign to the state the other lands embraced in the rejected lists, about which there is no controversy, and no kind of testimony, (aside from the field-notes, which I have not examined for the reasons before stated")—[which reason was that the land in the rejected list lay in notoriously swamp or overflowed regions of country, and consequently need not be subjected to that test]—" in this office, to prove that they are not of the character of lands contemplated in the grant."

Yet, notwithstanding this recommendation of the state selections of swamp lands, the commissioner of the general land office did not approve the same, and although the act of Congress of 3d March, 1857, declares that the selections of swamp and overflowed lands granted to the several states by act of September 28, 1850, theretofore made and reported to the commissioner of the general land office, " be and the same are hereby confirmed, and shall be approved and patented, to the several states," etc., no approval of the said state selections (the lists aforesaid,) as a whole, has been made, and only fractional parts of the said selections are being approved, from time to time, as is shown by the township plat hereunto attached, so giving the state but part of the lands, and that in detached parcels, which we bought of the state, through the swamp land commissioners as aforesaid, years ago.

We deem it unnecessary to add any arguments to this statement of facts, to justify our present action in the premises. Frequently the governor of Arkansas has made request that the lands selected by the state agents be confirmed and patented. The auditor of the state, as head of the land department of the state, has done the same thing; and all this has been to no purpose, whilst your petitioners, in the meantime, have patiently waited. The last confirmation dispels all our expectations, without your intervention, under the system heretofore pursued. We have, therefore, decided to take this action, which we deem to be authorized and justified by the laws regulating this land grant and the usage in such cases. The 2d section of the act of September 28, 1850, makes it the duty of the secretary of the interior to define the land granted in said act.

We, therefore, your petitioners, do most respectfully appeal to you, to cause patents to issue to said state for the lands contained in list A, certified to the commissioners of the general land office as aforesaid, the 22d September, 1852, a part of which was recommended for confirmation, on that date, by surveyor general Gibson, the balance by surveyor general Milbourne, the 11th June, 1853, and any other lands you may find, on examination, rightfully to belong to said state, under the said swamp land grant.

And your petitioners will ever pray, etc.

ETHEL H. PORTER,
In behalf of himself and others.

[B.]

To the Hon. JACOB THOMPSON,
Secretary of the Interior:

September, 1858.

SIR: In the appeal of myself and others, in last July, to you, to have the swamp and overflowed land to which the State of Arkansas is entitled under the acts of Congress of 1850 and 1857, patented to said state, we said, on page 5: "The honorable secretary of the interior will thus readily see to what confusion and uncertainty this long delay in maturing titles is tending," etc. But in this we were probably mistaken; for we ourselves had no idea, at that time, that it was possible that as much confusion and uncertainty in regard to the titles to our land could be produced, as has been produced by the order of the commissioner of the general land office to the surveyor-general at Little Rock, (dated Washington, April 27, 1858), with reference to the lands claimed by the Cairo and Fulton, and Memphis and Little Rock railroads, out of the lands selected by the state as swamp land, recommended for confirmation by the surveyor-general in 1852, and actually confirmed to the state as swamp and overflowed in 1853.

That you may have this matter in all of its bearings, clearly before you, we send you a copy of the "*Arkansas True Democrat*," of the 4th of August, 1858, published at Little Rock. You will find therein the "Instructions of the commissioner of the general land office to the surveyor-general of the State of Arkansas," the "Proclamation of Governor Conway," the "List of land contested by the railroads—when confirmed—when and to whom sold," etc.

This document shows plainly that our only practicable recourse is to you, for the governor tells us: "This whole business is under the authorities of the United States, and the best the state authority can do, under *existing laws* (of the state), is to give to the people this public information, so that each person interested may take such steps as he shall deem necessary to protect his interest in any of the lands for which the railroad companies are contending."

Being thus publicly notified, by the executive of the state, from whom our lands were purchased, to defend our interests in the way we deem best; we have, after mature deliberation, concluded to prosecute our appeal to you, as being not only the best, but, in reality, the only method we can pursue by which to secure, to our land, titles which will be worth the having.

The substance of said "appeal" is, that *you cause patents to issue to the State of Arkansas for* ALL *the land contained in list* "A,"—for the reason that all the lands embraced in said list were selected by said state as swamp and overflowed land, according to act of Congress of 1850; that its character was ascertained and certified to in manner and form as required by the commissioner of the general land office, and by surveyor-general Gibson; that this list was filed with the surveyor-general by the governor of the state, and by him forwarded to the commissioner of the general land office, with his recommendation that a part of said list be confirmed, and a part held for further examination; that the part of said list "A" held up for further examination, which is embraced in list "C," was re-examined by surveyor-general Milbourne, and by him recommended for confirmation in 1853; and that the recommendations for confirmation, made in 1852 by surveyor-general Gibson, and in 1853 by his successor in office, surveyor-general Milbourne, cover all the lands embraced in list "A," for which we respectfully and urgently petition you to cause patents to issue; and also for any other lands which, on examination, you may find belong legally to said state under the swamp land grant of 1850.

We also stated that the governor of Arkansas had requested that the land selected by the state be confirmed and patented to the state; and that the auditor of the state, as head of the state land department, had made the same request.

That the honorable, the secretary of the interior, may have this important subject fairly before him, we most respectfully submit to his consideration the following additional facts and arguments.

Before proceeding further, allow us to explain why it is that "under existing laws the best and all that the state can do is to give to the purchasers of her land this notice, that they may take such steps as they shall deem necessary to protect their interests," etc.

Up to the 30th of December, 1856, the State of Arkansas had swamp land commissioners empowered to furnish the necessary evidence of the character of any of these contested lands, by appointing agents to examine the same. But on that date, the legislature passed an act entitled "An act to arrest in part the operations of the present laws upon the subject of swamp and overflowed land."

Section 1, of said act, reads thus: "Be it enacted, etc., that the office of swamp land commissioners, and all other offices specially or indirectly created for the purpose of carrying into effect the present laws in relation to the swamp and overflowed lands in this state, except that of land agent, be, and the same are hereby abolished."

Section 5. "There shall be appointed by the governor, one selecting agent in each county in this state where there may be any *unselected* swamp and overflowed land, whose duty it shall be to select all the *unreported* lands lying within his county," etc. But no provision is made in this, nor in any subsequent act, for the appointment of any person to *re-examine* any land which had already been examined, selected and reported in due form as swamp and overflowed land.

So far then as the state is concerned, in this contest which the railroad companies have commenced, she is powerless. Neither the executive nor the legislative authorities of the state seem to have contemplated the possibility of any contest arising concerning the character of lands once selected, reported for confirmation, and actually confirmed.

In this connection, we beg leave to call your attention to two accompanying documents (and were it not that it would make this communication too voluminous, we could furnish many more to the same effect), to prove that the officers of the state have been and are now solicitous that patents should issue to the state for all the land which has been selected by her agents as swamp and overflowed land.

The first of these papers is addressed to the commissioner of the general land office by the auditor of the state, and bears date Nov. 17th, 1853. We invite your attention to this communication as a whole, and especially to the concluding part, a portion of which we quote: "The undersigned has touched briefly upon some of the points on which he relies for the confirmation by the general government to the State of Arkansas, of *all the lands selected as swamp or overflowed lands by the state selecting agents*. He has showed and your office shows the same fact, that the United States government suggested to the State of Arkansas, that she could select the swamp and overflowed lands by other means than by the field notes on file in the surveyor's office; that the state acted on the suggestion of the department in this behalf, and appointed selecting agents. He has shown that on the appointment of these agents, the form of oath of office, of return of land and of affidavit to accompany such return, were prescribed by the U. S. surveyor-general, all of which having been complied with, he insists that the U. S. government is bound to confirm to the state, all of the lands so selected and reported by her agents." Again: "In presenting this subject to your consideration, it is not only presented as one in which right and justice are on the side of the State of Arkansas, but it is one of vital importance to her. If only the lands reported by the field notes of the deputy surveyors be confirmed to the state, she will be unable to reclaim them, and much, if not all she has already done in that behalf, will be lost. If, on the other hand, all the lands selected by the state locating agents be confirmed, the state will be enabled to reclaim all the reclaimable swamp lands within her borders."

The other document, referred to above, is a letter from the governor of Arkansas to the commissioner of the general land office, dated 28th of January, 1857, which you will find on file in the land office. The contents of said letter—even if it cannot be found—will be clearly seen from the answer to it by the commissioner, dated

"GENERAL LAND OFFICE, Feb. 17, 1857.

To His Excellency,
ELIAS N. CONWAY, *Governor, etc.:*

SIR—I have the honor to acknowledge the receipt of your letter of the 28th ult., asking that the swamp selections in the Little Rock district, north of the base line, and in the Helena land district, may be speedily approved and patented to the State of Arkansas; and also asking that such patents may be issued *without awaiting any further* SPECIAL *request from you, etc.*

(Signed.) THOMAS A. HENDRICKS,
Commissioner, etc."

From a careful perusal of these documents, it will be seen that the proper officers of the state, in 1853, and again as late as 1857, did expect and demand precisely what we now respectfully petition for, nothing more, nothing less, viz: that patents issue to the state for all the land selected and reported by her agents as swamp and overflowed land, under act of Congress, September 28, 1850.

Hence we do most earnestly insist and claim, that said lands were granted to said state by act of Congress of September 28, 1850; that they were confirmed to the state by act of Congress of March 3, 1857, and that their character is not now a matter to be contested.

For, if the land, for which we are contending, had been patented to said state when it should have been, in 1852, as before shown, the state would have had her lands before the railroads, that have been claiming them, had any grant made to them, which was not done until February, 1853. The words "not otherwise appropriated," are the words commonly used in all land grants, and had no reference to the railroad claim, but in this instance referred to the right of pre-emptors.

No one has ever contended that the act of Congress of 1850, did not grant to the State of Arkansas *all* the swamp and overflowed land lying within her limits. Neither has the correctness of the decision of the secretary of the interior of Dec. 23, 1851, ever been questioned, which is: "That the granting clause is in the first section of said act (Sept. 28, 1850), and the words employed, viz: 'are hereby granted,' seem to impart a grant in *presenti*. They confer a right to the land, though other proceedings are necessary to perfect the title. When the selections are *made and approved*, or the patent issued, the title thereby becomes perfect, and has relation back to the date of the grant." (*All* of which, the honorable secretary will find, on examination, have been gone through by the state as the original party to whom the grant was made.)

But the controversy is in regard to what land was, and what was not, granted by the act of September, 1850. This we find defined by the act of Congress of March 3, 1857.

When, to avoid all further delay, and to settle the controversies that had previously arisen, concerning the correct interpretation of the act of September, 1850, Congress confirmed to said state all the land that had been selected as swamp and overflowed land in the grant of 1850, and reported to the commissioner of the general land office, so far as the same remained vacant and unappropriated, and not interfered with by an actual settlement under any existing laws of the United States. And Congress expressly ordered that all selections, (with the exceptions above stated,) shall be approved and patented to said state. This confirmation of the grant, we claim, embraces and covers all the lands in lists "A," "B," "C," "D," "E," "Sup. E," "E No. 1," "E No. 2," etc., etc., except such as is held by pre-emptors, and such as has been sold by the federal office.

All the above enumerated lists, which are on file in the general land office, may, for convenience, be reduced to *two*. The first, "*A*," which includes "C," "E," "Sup. E," "E No. 1," "E No. 2," and several others on file in the general land office, selected by the state agents. The second list to include "B" and "D," selected by the surveyor-general from field notes. But, as there is no dispute in regard to the fact that the lands embraced in "B" and "D," have been "*reported*" and confirmed, there can be no objection to patenting the said lands to said state; and hence we need say nothing further concerning them, we speak now of list "*A*," concerning the land selected by the state agents on examination, according to the instruction of the commissioner of the general land office.

The question concerning this list is narrowed down to this simple one: Has the land, which is contained in list "*A*," been selected and reported to the commissioner of the general land office?

That the lands embraced in this list "*A*" were "selected" by the state, through her duly qualified officers, and that they were certified to, in due form, as being lands enuring to the

State of Arkansas, under act of Congress, September, 1850, will be freely admitted by all the parties interested.

The question is then further narrowed down to this: Were the lands contained in list "*A*" "*reported*" to the commissioner of the general land office, so as to be covered by, and included in the land confirmed to the state by act of Congress, March 3, 1857?

We contend they were, for the following reasons: First, we find the said list "*A*" on file in the general land office professing, on its face, to be a list containing the selections made by the state, and thus *reported* to the commissioner of the general land office for confirmation We find that this list "*A*" was sent by the proper officer, the surveyor-general of Arkansas, in 1852. We find that he accompanies his "report" by a paper marked "*C*," which contained a list of land which was selected by the state as being swamp and overflowed, but which the field notes in his office did not describe as such.

Second. The land contained in list "*A*" was considered by the commissioner of the general land office as "reported" for confirmation, as shown by the fact that he did, in 1853, confirm to the state all the land embraced in list "A," except the small portion embraced in list "*C*," which he held up for further examination. Either he regarded list "*A*" as having been reported,"or he confirmed lands which had not been reported for confirmation by the state, nor by the surveyor-general.

Third. The portion of list "*A*" contained in list "*C*" was not recommended for confirmation in 1852 by the surveyor-general of Arkansas; and *solely for this reason*, the commissioner did not confirm to the state the lands contained therein, at the time he confirmed all the other selections in list "A." But after further investigation, and upon re-examination, the surveyor-general, in a communication dated June 11, 1853, says: "*I would therefore recommend that* ALL *the lands embraced in the rejected list 'C,' be confirmed to the state, as coming under the scope of the act of September* 28, 1850."

This recommendation was reiterated by the surveyor-general, in his report to the commissioner of the general land office, dated October 12, 1853, in which he says, (message and documents for '53 and '54, vol. 1, p. 158): "I *was induced in my communication to you of the* 11*th of June last, to recommend the confirmation to this state of her selections of land under the act of September* 28, 1850, *which recommendation I now renew;*" and, on page 159, he says: "The great mass of the lands selected by the state agents, lies in the bottoms or valleys of the Mississippi, St. Francis, White, Arkansas, Saline, Ouachita, Little Missouri, Little and Red rivers, as designated by the shaded lines on the accompanying diagram of the state. These regions are almost as notoriously swampy and overflowed as Louisiana; and the evidence produced by the state that they are such, *is just the kind as that required of them by the surveyor-general, and exactly according to the forms prescribed by him.* With what propriety, then, I could impeach their credibility without counter testimony of a more positive character than is presented by the field-notes, I cannot determine." Now, after list "C" had been re-examined and recommended for confirmation by the surveyor-general in 1853, it was in the same position it would have been in 1852, had the surveyor-general not taken exceptions to it. But we have seen all the lands contained in list "*A*" which were recommended for confirmation in 1852, were considered as "reported," and consequently were confirmed. So, also, list "*C*" became, in 1853, a "reported" list, by virtue of the recommendation of the surveyor-general, and should have been confirmed by the commissioner of the general land office for the same reason that he confirmed in 1852, all the other lands contained in list "*A*."

Hence, we contend that the lands contained in the list "*A*," including "*C*," were "selected and reported" in due form; and, as such, were, and are, confirmed to the State of Arkansas, by act March 3, 1857.

Having thus shown that the State of Arkansas was, and is, entitled to these lands, we do most respectfully and most earnestly urge and request the honorable secretary of the interior to take immediate action on this most important subject. For immediate action is the only method to be pursued, which will restore confidence to, and quiet the apprehensions of, the purchasers of these lands, and also of those who would become purchasers by building levees, making ditches, etc., etc., which they will not now do.

For the order of the commissioner of the general land office, of April 27, 1858, to the surveyor-general of the state, to which reference has heretofore been made, is working an incalculable injury to the state, and to all parties who have purchased land from the state. It has shaken, if not destroyed, all confidence in the rules and principles laid down by the general land office to regulate the selections and determine the lands embraced in the grant of 1850.

As an illustration: If there has been one rule oftener repeated in the "instructions" to the surveyor-general by the commissioner, and, up to the issuance of this order, more uniformly adhered to than another, it is this: That the field notes are incontrovertible, when they indicate land to be swampy and overflowed, (for example, see letter from commissioner to surveyor-general of Arkansas, dated April 8, 1854). Persons relying upon this as being a fixed and settled principle, established by the general land office, have considered confirmations of such lands a matter about which there could arise no doubt, and that the question of patents issuing was only one of time; and have purchased such lands, and many have made extensvie and expensive improvements thereon.

The state evidently regarded this principle as settled, for she sold these lands to all who would buy, and levied a tax on them when sold. Now, the larger part of the lands embraced in the lists published in the *True Democrat*, of August 4, 1858, a copy of which accompanies our appeal, were confirmed to the state in 1853, because the field notes showed them to be "swamp and overflowed." But now this long established principle is set aside by the order of the commissioner of the general land office, of April 27th, 1858; and the surveyor-general of the state is instructed to take testimony in regard to the character of lands shown by the field notes to be "swampy and overflowed," confirmed as such to the state in 1853, sold by the state at divers times to various individuals, and many of them resold time and again to purchasers, who, by their improvements, have greatly enhanced their value. The fact that the railroad companies, for whose benefit this order was issued, have, after mature deliberation, publicly and officially relinquished all claim to a part of these lands, does not weaken our representation of the evils to ensne, unless the honorable secretary of the interior takes immediate and favorable action in this matter. For what railroad companies may do, individuals may do. And the experience of the past proves that they will do it whenever it is for their interest to do so.

That the honorable secretary may see that we are not mistaken as to the fact stated above, in reference to the incontrovertibility of field notes when they indicate land to be swampy and overflowed, we beg leave to copy a few sentences from the letter of the commissioner, dated April 8, 1854, and referred to above:

"In all cases where the plats and field notes represent the lands as swampy, or subject to such overflow, as to render them unfit for cultivation, *they belong to the state under the law*, and will be so certified."

Again:

"This point has always been maintained by this office, and any instructions heretofore issued have been otherwise construed, it is an error. The field notes and plats are only incontrovertible when they indicate the swampy character of lands."

Again:

"If said records clearly indicate the swampy character of lands, they are conclusive and incontrovertible, and your certificate of approval is based thereon."

All of which is respectfully submitted.

ETHEL H. PORTER,
in behalf of himself and others.

(A COPY.)

General Land Office,
December 6th, 1858.

His Excellency, Elias N. Conway,
Governor of Arkansas,
Little Rock, Arkansas:

Sir—I have the honor to acknowledge the receipt of your letter of the 24th ult.

The lists of swamp land selections in Arkansas are now being examined with the view of certifying to the state those lands property enuring to her under the grant of 1850; and we intend to continue this work until it shall be fully completed.

With great respect, your ob't serv't,
THOS. A. HENDRICKS,
Commissioner.

On motion of Gaines, the name of Mr. Gould was added to the committee on the geological survey.

Petitions from counties were in order.

Mr. Marshall presented the petition of the mayor, aldermen, and other citizens of Powhatan, asking the passage of an act supplementary to " an act to incorporate the city of Powhatan, in the county of Lawrence," (approved January 12, 1853,) to the following effect, viz:

" To confer the exclusive right and full power on the mayor and city council to grant and issue licenses to the retailers of ardent spirits within the limits of the city, that the revenue to be derived from this source may be paid into the city treasury.

Also to transfer to the city government the sole authority and power of granting license to ferries within the corporate limits of said city; the proceeds whereof shall go into the city treasury.

The levy and collection of said fees for licenses to be regulated, so far as may be applicable, by the statutes of the state already in force."

Which petition was read; and on motion of Mr. Marshall, referred to the committee on the judiciary.

Mr. Carrigan presented the petition and papers of R. Blanton, of Lafayette county, praying the passage of a law to authorize the governor to make deed to him for certain lands.

Which were, on motion of Mr. Carrigan, referred to the committee on the landed interests of the state.

Mr. Hammond, from the committee on swamp and overflowed lands, made the following

REPORT:

Mr. President—

The committee on swamp and overflowed lands to whom was referred Senate bill No. 73, to be entitled an act to amend section 16, of article VI, of chapter 101 of Gould's Digest, have had the same under consideration, and have instructed me to report the same back and recommend its passage.

HAMMOND,
Chairman.

Which report was read and received.

On motion of Mr. Hammond, the bill was read the third time and passed.

Mr. Williams from the committee on claims made the following

REPORT:

Mr. President—

The committee on claims, to whom was referred House bill No. 108, to be entitled "an act for the relief of Ralph Arnold, former sheriff of Marion county," have had the same under consideration, and have instructed me to report it back and recommend its passage.

D. C. WILLIAMS,
Chairman.

Which report was read and received.

On motion of Mr. Hammond, the bill was read the third time and passed.

Mr. Hammond, from the committee on swamp and overflowed lands, made the following

REPORT:

Mr. President—

The committee on swamp and overflowed lands to whom was referred Senate bill No. 70, to be entitled an act to revive swamp land scrip, and to extend the time for locating the same, have had it under consideration, and with an amendment, have instructed me to report the same back and recommend its passage.

HAMMOND,
Chairman.

Amend by adding to the first section of the bill,

"*Provided,* That nothing in this act shall be so construed as to revive any of the old swamp land certificates issued by the board of commissioners."

Which report was read and received, and the bill and amendment postponed for the present.

On motion of Terry, House bill No. 226, to be entitled an act to change the time of holding the election of judge of the 5th judicial circuit of this state, was taken up and read the first time.

On the further motion of Mr. Terry, the rules were twice suspended, the bill read the second and third times, by title, and passed.

On motion of Mr. Douglas, Senate bill No. 84, to be entitled an act explanato~~ry of the~~ 23d section of chapter 62, of the Digest, under the head of "Elections," was taken up and read the third time and passed.

Mr. Stirman offered the following

RESOLUTION:

Resolved, That the Senate invite the Hon. R. G. Payne, commissioner of railroads for the State of Tennessee, to address the public on the subject of railroads, and for that purpose, tender him the senate chamber.

Which was read and on motion of Mr. Floyd, adopted.

On motion of Mr. Foyd, a recess was taken until 2½ o'clock, p. m.

2½ O'CLOCK, P. M.

The Senate met.

The roll was called by order of the President.

PRESENT—Messrs. Carrigan, Clark, Craighead, Davies, Douglas, Floyd, Gaines, Gould, Marshall, McCreery, McColloch, Mecklin, Pennington, Redmond, Rosson, Terry, Trimble, Watkins, Williams and Mr. President—20.

Message from the House of Representatives by the clerk:

MR. PRESIDENT—

I am instructed to inform your honorable body that the House of Representatives has passed House bill No. 292, to be entitled "an act concerning grand and petit jurors in the counties of Crittenden, Lafayette, Hot Spring, Chicot, Polk, Prairie, Jackson, Calhoun, White, Clark, Madison, Ouachita, Union, Phillips, Montgomery and Scott."

Said bill is herewith transmitted for the assent of your honorable body, which is respectfully asked.

S. M. SCOTT, *Clerk of*
House of Representatives.

Mr. Gaines, from the committee on the judiciary, made the following

REPORT:

Mr. President—

The committee, on the judiciary, to whom was referred House bill No. 289, to be entitled an act to enable Missouri F. Harris, wife of Ptolemy T. Harris, jr., to become guardian of her minor children, have considered the same, and instruct me to recommend its passage.

GAINES,
Chairman.

Which report was read and received.

On motion of Mr. Gaines, the bill was read the third time and passed.

Mr. Gaines, further from said committee, made the following

REPORT:

Mr. President—

The judiciary committee, to whom was referred Senate bill No. 109, to be entitled an act to incorporate the town of Gainesville, in the county of Greene, have considered the same, and instructed me to recommend its passage.

GAINES,
Chairman.

Which report was read and received.

On motion of Mr. Davies, the bill was read the third time, by title, and passed.

Mr. Gaines, again, from said committee made the following

REPORT:

Mr. President—

The judiciary committee, to whom was referred House bill No. 33, to be entitled an act to preserve certain records belonging to the clerk's office of Crittenden county, have considered the same, and instructed me to recommend its passage.

GAINES,
Chairman.

Which report was read and received.

On motion of Mr. Gaines, the bill was read the third time by title, and passed.

Mr. Gaines, again from said committee, made the following

REPORT:

Mr. President—

The judiciary committee, to whom was referred Senate bill No. 27, to be entitled an act to amend chapter 51, part XII, of the Digest of the statutes, in relation to the punishment of slaves for felonies, have considered the same, and instructed me to recommend its passage with amendment.

GAINES,
Chairman.

Amend by striking out the words "not," etc., in the 13th line, and inserting "not exceeding one hundred stripes, at the discretion of the jury trying the cause."

Which report was received, and on motion of Mr. Gaines the amendment was adopted.

On his further motion, the bill was read the third time, as amended, and passed.

Mr. Gaines, further from the same committee, made the following:

REPORT:

Mr. President—

The judiciary committee to whom was referred Senate bill No. 38, to be entitled an act requiring parties litigant to be first sworn before other testimony can be introduced, have considered the same, and instructed me to report it back and recommend its rejection.

GAINES,
Chairman.

Which report was read, and on motion of Mr. Gaines adopted, and said Senate bill No. 38, thereby rejected.

Mr. Gaines further, from the same committee, made the following

REPORT:

Mr. President—

The judiciary committee, to whom was referred Senate bill No. 138, to be entitled an act giving permission to county courts to employ county attorneys to protect the interests of their respective counties, have considered the same and recommend its passage.

GAINES,
Chairman.

Which report was read and received.

On Motion of Mr. Floyd the bill was read the third time and passed.

Mr. Gaines, again from the same committee made the following

REPORT:

Mr. President—

The judiciary committee, to whom was referred Senate bill No. 130, to be entitled an act to amend section 13, chapter 51 of Gould's digest under the head of "criminal law," have considered the same and instruct me to report a substitute therefor and recommend its passage.

GAINES,
Chairman.

Which report and substitute were read.

On motion of Mr. Gaines the substitute was adopted in lieu of the original bill, which was thereby rejected.

On his further motion the substitute was read the second time, by title, when

Mr. Rosson offered to amend by adding the following proviso to the first section:

"*Provided*, That nothing herein contained shall be construed to apply to sheriffs or other officers in the discharge of their official duties."

Which was read and adopted.

Mr. Redmond moved to amend by inserting the words "metallic knuckles and slung shot" after the words "sword in a cane," in the first section.

Mr. Terry moved to amend the amendment by adding "and that no man shall carry a brick in his hat."

Which was on motion of Mr. Davies laid on the table.

The amendment offered by Mr. Redmond was then adopted.

On motion of Mr. Floyd the bill was read the third time and the question being on its passage, Mr. Gaines demanded the yeas and nays; which demand was sustained and the roll called.

YEAS—Messrs. Clark, Douglas, Floyd, Gaines, Gould, Marshall, McCreery, McColloch, Mecklin, Pennington, Redmond, Rosson, Stirman, Trimble, Watkins, Williams and Mr. President—17.

NAYS—Messrs. Carrigan, Craighead, Davies, Hammond, and Terry—5.

So the bill passed as amended.

Mr. Gaines from the same committee made the following

REPORT:

Mr. PRESIDENT—

The judiciary committee to whom was referred Senate bill No. 125 to be entitled an act for the incorporation of the town of Wittsburg, have considered the same and instructed me to report it back with amendments and with the amendments to recommend its passage.

GAINES,
Chairman.

AMENDMENTS:

Amend sec. 3, in the 3rd line, by striking out "perpetual" and inserting after the word "succession," *for ninety nine years.*

Strike out the words "free-holder or house-holder" in the 9th line of section 5.

Which report was received, and

On motion of Mr. McColloch the amendments were adopted.

On his further motion the bill was read the third time, by title, and passed.

Mr. Gaines, from the committee, on the Geological survey made the following

REPORT:

Mr. President.

The committee, on the geological survey of the State to whom was referred Senate bill No. 111, to be entitled an act to give each editor of a newspaper in the State of Arkansas a copy of the report of the geological survey, have had the same under consideration and recommend its passage.

GAINES,
Chairman.

Which was read and received.

On motion of Mr. Terry the bill was read the third time and passed.

Mr. Hammond from the committee on swamp and overflowed land made the following

REPORT:

Mr. President—

The committee on swamp and overflowed land to whom was referred Senate bill No. 95, to be entitled an act to amend section 15 of chapter 101 of Gould's digest, have had the same under consideration and have instructed me to report it back and recommend its passage.

HAMMOND,
Chairman.

Which report was read and received.

On motion of Mr. Pennington the bill was then read the third time, and passed.

Mr. Hammond further from said committee made the following

REPORT:

Mr. President—

The committee on swamp and overflowed lands to whom was referred Senate bill No. 104, to be entitled an act concerning pre-emptions have had the same under consideration and have instructed me to report the same back and recommend its passage.

HAMMOND,
Chairman.

Which was read and received.

Mr. Terry moved to adopt the amendment offered to the bill before referred, which was to strike out the words "over the age of twenty-one years" in the first section.

Which motion was lost.

The bill was then read the third time and passed.

Mr. Davies, from the committee on apportionment made the following

REPORT:

Mr. PRESIDENT—

A majority of the committee, on apportionment have instructed me to report the accompanying bill and to recommend its passage.

DAVIES,
Chairman.

No. 148. Which report was read and the accompanying bill to be entitled an act to arrange the senatorial districts and to apportion representatives to the General Assembly among the counties, was read the first time and ordered to take its course under the rule.

On motion of Mr. Floyd five hundred copies of the message received to-day from the Governor, relative to the confirmation to the State of swamp and overflowed lands, were ordered to be printed for the use of the Senate.

No. 149, Mr. McCreery introduced Senate bill to be entitled an act to incorporate the Searcy Polytechnic School; which was read the first time, by title.

On motion of Mr. McCreery the rules were suspended, the bill read the second time, by title, and referred to the committee on education.

Mr. Clark, from the committee on education, made the following

REPORT:

MR. PRESIDENT—

The committee on education, to whom was referred Senate bill No. 145, to be entitled an act for the benefit of the citizens of township sixteen, north of range one west, have had the same under consideration and have instructed me to report the same back to the senate and to recommend its passage.

CLARK,
Chairman.

Which report was read and received.

On motion of Mr. Marshall, the bill was read the third time, and passed.

No. 150. Mr. Redmond introduced Senate bill to be entitled "an act to prevent captains and owners of steamboats and other crafts navigating any of the waters in the State of Arkansas from employing free negroes without having their free papers.

Which was read the first time.

On motion of Mr. Redmond the rules were suspended, the bill read the second time, by title, and referred to the committee on the judiciary.

No. 151, Mr. Redmond also introduced Senate bill to be entitled an act to incorporate the trustees of the Female Academy of St. Catharine Helena, Arkansas.

Which was read the first time by title.

On motion of Mr. Redmond, the rules were suspended the bill read the second time, by title, and referred to the committee on education.

On motion of Mr. Stirman, House bill No. 142, to amend the attachment law of this State was taken up and read the first time.

On his further motion the rules were suspended, the bill read the second time, by title, and

On motion of Mr. Rosson, it was referred to the committee on the judiciary.

No. 152. Mr. Gaines introduced senate bill to be entitled an act to incorporate the Phi Kappa Sigma College; which was read the first time.

On motion of Mr. Terry the rules were suspended, the bill read the second time, by title, and referred to the committee on the judiciary.

No. 153. Mr. Terry introduced senate bill to be entitled an act to authorize the clerk of Pulaski county to transcribe the old index of deeds &c., in his office; which was read the first time.

On motion of Mr. Terry, the rules were twice suspended, the bill read the second and third times by title, and passed.

No. 154, Mr Hammond introduced Senate bill to be entitled "an act to change the line between Hot Spring and Saline counties;" which was read the first time.

On motion of Mr. Hammond the rules were twice suspended the bill read the second and third times, by title, and passed.

On motion of Mr. Pennington, House bill No. 139, to be entitled "an act for the relief of Gray C. Brown of Clark county Arkansas," was taken up and read the first time.

On his further motion the rules were twice suspended, the bill read the second and third times, by title, and passed.

Mr. Gould offered the following

RESOLUTION:

Resolved, That it shall be the duty of the secretary to commence the call of the senatorial districts by their number, on to-morrow morning, proceeding in consecutive order, for the purpose of the introduction of bills and resolutions, and that if the call be suspended at any time, it shall re-commence on the next day at the number of suspension, and so proceed, and that no bills or resolutions shall be offered except at such call.

Which was read, and laid on the table one day under the rule.

Mr. Terry moved to adjourn until 10 o'clock to-morrow morning; which motion was lost.

Mr. Gaines moved to adjourn until 9½ o'clock to-morrow morning; which motion was also lost.

On motion of Mr. Davies, Senate joint resolution to provide for the payment of postage on the report of the bank accountants, was taken up and read the second time.

Mr. Terry moved to amend the resolution, to provide for the postage on the geological reports, to be distributed to the editors of newspapers in this state.

After some discussion, Mr. Terry withdrew his amendment, and Mr. Pennington offered to amend the resolution by adding, "that no member shall send more than thirty copies unless he pays the postage out of his own pocket."

Which amendment was adopted.

The resolution was then read the third time, as amended, and Mr. Craighead called for the yeas and nays on its passage, which call was sustained and ordered:

Yeas—Messrs. Davies, Floyd, and Stirman—3.

Nays—Messrs. Carrigan, Clark, Craighead, Douglas, Gaines, Gould, Hammond, Marshall, McCreery, McColloch, Mecklin, Pennington, Redmond, Rosson, Terry, Trimble, Watkins and Williams—18.

So the resolution did not pass.

On motion of Mr. Craighead, the Senate adjourned until 10 o'clock to-morrow morning.

THOS. FLETCHER,
President.

Wednesday, *January* 26, 1859.

The Senate met pursuant to adjournment.

Prayer by Rev. D. L. G. McKenzie.

Roll called.

Present—Messrs. Carrigan, Clark, Craighead, Davies, Douglas, Floyd, Gaines, Gould, Hammond, Jones, Marshall, McCreery, McColloch, Mecklin, Pennington, Redmond, Rosson, Stirman, Terry, Trimble, Watkins, Williams and Mr. President—23.

The journal of yesterday was read, approved and signed.

On motion of Mr. Gould, the resolution requiring the secretary to call the senatorial districts by number, for the introduction of bills and resolutions, was taken up, and the question arising on its adoption, Mr. Watkins demanded the yeas and nays thereon, which demand was sustained, and the call ordered.

Yeas—Messrs. Clark, Davies, Douglas, Gould, Hammond, Marshall, McColloch, Mecklin, Stirman, Terry, Trimble and Watkins—12.

Nays—Messrs. Carrigan, Craighead, Floyd, Gaines, Jones, McCreery, Pennington, Redmond, Rosson, Williams and Mr. President—11.

So the resolution was lost under the two-third rule.

Mr. Gould asked, and obtained leave to introduce the following bills, viz:

No. 155, to be entitled an act to grant pre-emptions upon the sixteenth sections.

Read the first time.

On motion of Mr. Gould, the rules were suspended, the bill read the second time, by title, and

On motion of Mr. Watkins, referred to the committee on education.

No. 156, to be entitled an act to amend chapter four of the Digest of 1858.

Read the first time.

On motion of Mr. Gould, the rules were suspended, and the bill read the second time, by title, and

On motion of Mr. Watkins, referred to the committee on the judiciary.

No. 157, to be entitled an act to amend section 71, chapter 149, of the Digest of 1858.

Read the first time.

On motion of Mr. Gould, the rules were suspended, the bill read the second time, by title, and

On motion of Mr. Carrigan, it was referred to the committee on public roads.

No. 158, to be entitled an act to amend chapter 56, of the Digest of 1858, under the head of "Descents and Distributions."

Read the first time.

On motion of Mr. Gould, the rules were suspended, the bill read the second time, by title, and

On motion of Mr. Hammond, it was referred to the committee on the judiciary.

No. 159, to be entitled an act to amend chapter 25, of the Digest of 1858, under the head of "Bills of Exchange."

Read the first time.

On motion of Mr. Gould, the rules were suspended, the bill read the second time, by title, and

On motion of Mr. Williams, it was referred to the committee on the judiciary.

No. 160, to be entitled an act to amend chapter 62, of the Digest of 1858, under the head of "Elections," and for other purposes.

Read the first time.

On motion of Mr. Gould, the rules were suspended, the bill read the second time, by title, and

On motion of Mr. Redmond, it was referred to the committee on elections.

Mr. Clark, from a select committee, presented the following

REPORT:

Mr. President—

The select committee, to whom was referred Senate bill No. 78, to be entitled an act to aid in the construction of the different railroads in the state of Arkansas, have had the same under consideration, and have instructed me to report the same back to the Senate with amendments, and as amended, to recommend its passage.

REDMOND,
Chairman.

Amend, by striking out "ten thousand," wherever it occurs in the bill, and insert "five thousand."

After the word "company," in the 9th line of the first section insert "the Little Rock and Napoleon railroad company."

Which report and amendments were received.

On motion of Mr. Clark, said bill and amendments, together with Senate bill No. 143, to be entitled an act to aid in the construction of the Memphis and Little Rock railroad, were referred to the committee of the whole, and made the special order for to day at 11 o'clock.

Mr. President announced that the hour of 11 o'clock had arrived, and

On motion of Mr. Stirman, the Senate resolved itself into the committee of the whole to consider the bills aforesaid, Mr. Rosson taking the chair.

After some time spent in discussion, the committee arose, and through their chairman, reported progress, but not having finished the business before them, asked leave to sit again at 2½ o'clock, p. m.

Which report was, on motion of Mr. Floyd, adopted, and the leave granted.

On motion of Mr. Watkins, the Senate took a recess until 2½ o'clock, p. m.

2½ O'CLOCK, P. M.

The Senate met, and

On motion of Mr. Gaines, resolved itself into a committee of the whole, to resume the consideration of Senate bills No. 78 and No. 143—Mr. Rosson taking the chair.

After some time spent in discussion, the committee arose, and through their chairman, reported progress, but not having finished the business before them, asked leave to sit again on to-morrow evening at 2½ o'clock.

On motion of Mr. Floyd, the report was adopted, and the leave granted.

Mr. Carrigan moved that the Senate adjourn, until 9½ o'clock to-morrow morning.

Which motion was lost.

On motion of Mr. Davies, the message received from the governor on yesterday, informing the Senate, that for the office of chancellor, under "an act to establish a separate court of chancery, at the seat of government," etc., he nominated Hulbert F. Fairchild, and appointed him to said office of chancellor, provided the Senate advise and consent thereto.

On motion of Mr. Terry, it was

Resolved, That the Senate of the State of Arkansas advise and consent to the appointment of the Hon. Hulbert F. Fairchild to the office of chancellor of the Pulaski court of chancery.

By the same message, the Senate was also informed that under and by authority of "an act providing for a solicitor general for the state," approved 14th January, 1857, he, the governor, nominated Samuel H. Hempstead for said office of solicitor general, and appointed him thereto, provided the Senate advise and consent to such appointment.

On motion of Mr. Redmond, the Senate advised and consented to the appointment.

On motion of Mr. Gaines, the Senate adjourned until 10 o'clock to-morrow morning.

THOS. FLETCHER,
President.

THURSDAY, *January* 27, 1859.

The Senate met pursuant to adjournment.

Prayer by Rev. J. B. Annis.

Roll called.

PRESENT—Messrs. Carrigan, Clark, Craighead, Davies, Douglas, Floyd, Gaines, Gould, Hammond, Jones, Marshall, McCreery, McColloch, Mecklin, Pennington, Redmond, Rosson, Stirman, Terry, Trimble, Watkins, Williams and Mr. President—23.

The journal of yesterday was read, approved and signed.

The following message was received from the House of Representatives, by the clerk:

Mr. President—

I am instructed to inform your honorable body that the House of Representatives have passed House bill No. 296, to be entitled "an act to define a portion of the line between the counties of Van Buren and Pope;" and

House bill No. 297, to be entitled "an act to change the time of holding the circuit courts in Desha county."

Said bills are herewith transmitted for the assent of your honorable body, which is respectfully asked.

The House of Representatives have adopted House joint resolution No. 50, proposing to amend the constitution so as to elect, by the qualified voters of the state, a secretary of state, auditor, treasurer, and an attorney-general.

Said resolution is herewith transmitted for the concurrence of your honorable body, which is respectfully asked.

S. M. SCOTT, *Clerk of*
House of Representatives.

Mr. Williams, from the committee on claims, made the following

REPORT:

Mr. President—

The committee on claims to whom was referred sundry claims respecting the expenses incurred in and about the funeral of the Hon. B. H. Smithson, have had the same under consideration, and have instructed me to report the joint resolution herewith presented and recommend its passage.

D. C. WILLIAMS,
Chairman.

Which was read and received, and the joint resolution reported was read the first time.

On motion of Mr. Redmond, the rules were twice suspended, the resolution read the second and third times and passed.

Petitions from counties were in order.

Mr. Floyd presented the petition of sundry citizens of Napoleon, praying the General Assembly to grant to Theodore A. Kendig the exclusive right to keep a ferry across the Mississippi and Arkansas rivers, at that point, for the period of fifteen years; provided, he keeps said ferry in a steam ferry-boat—his right therein to be absolutely forfeited in case he shall abandon the same at any one time for a period of three months.

No. 161. Which petition was accompanied with a bill to be entitled an act to authorize Theodore A. Kendig to establish a steam ferry at Napoleon.

Which was read the first time.

On motion of Mr, Floyd, the rules were suspended, the bill read the second time, by title, and referred to the committee on public roads.

Mr. Carrigan presented the petition of the citizens of Center Point and vicinity, in Sevier county, praying the passage of an act to incorporate said town.

No. 162. Which petition was accompanied by a bill to be entitled an act to incorporate the town of Center Point.

Which was read the first time.

On motion of Mr. Carrigan, the rules were twice suspended, the bill read the second and third times, by title, and passed.

On motion of Mr. Floyd, House bill No. 297, to be entitled an act to change the time of holding the circuit courts in the county of Desha, was taken up and read the first time.

On motion of Mr. Floyd, the rules were twice suspended, the bill read the second and third times, by title, and passed.

Mr. Clark, from the committee on education, made the following

REPORT:

Mr. President—

The committee on education, to whom was referred Senate bill No. 149, to be entitled an act to incorporate the Searcy Polytechnic school, have had the same under consideration, and have instructed me to report it back to the Senate and recommend its passage.

GREEN J. CLARK,
Chairman.

Which report was read and received.

On motion of Mr, McCreery, the bill was read the third time and passed.

Mr. Clark, from said committee made the following

REPORT:

Mr. President—

The committee on education, to whom was referred House bill No. 50, to be entitled an act to repeal an act to change the proceeds arising from fines in Pope and Ouachita counties from the school fund to county purposes as to Ouachita county, have had the same under consideration, and have instructed me to report it back to the Senate and recommend its passage.

CLARK,
Chairman.

Which report was read and received.

On motion of Mr. Floyd, the bill was read the third time and passed.

Mr. Clark further, from said committee, made the following

REPORT:

MR. PRESIDENT—

The committee on education, to whom was referred Senate bill No. 120, to be entitled an act to incorporate the White Sulphur Springs Female High School, have had the same under consideration, and have instructed me to report it back and recommend its passage.

CLARK
Chairman.

Which report was read and received.

On motion of Mr. Davies, the bill was amended by striking out the first three lines of the fifth section, exempting the property of the school from taxation.

On motion of Mr. Floyd, the bill was read the third time and passed.

Mr. Clark further, from said committee, made the following

REPORT:

MR. PRESIDENT—

The committee on education, to whom was referred Senate bill No. 159, to be entitled an act to incorporate the Trustees of the Female Academy of St. Catharine, Helena, Arkansas, have had the same under consideration, and have instructed me to report it back to the Senate and to recommend its passage.

CLARK,
Chairman.

Which report was read and received.

On motion of Mr. Redmond, the bill was read the third time and passed.

On motion of Mr. McCreery, Senate bill No. 58, to be entitled an act for the relief of David W. Carroll, late state land agent for the Pine Bluff district, and Garlen Silvey, late state land agent for the Jacksonport district, was taken up, and, being on the second reading, Mr. Floyd offered to amend by the following additional section, viz:

"SEC. —. That Charles E. Tobey, late swamp land agent for the Dardanelle swamp land district, and Bernard F. Hempstead, late swamp land agent for the Washington district, shall each be entitled to the provisions of this act, and the auditor shall examine their claims, and pay them for the time that they may be entitled to, as said agents, from the dates of their commissions, to be paid out of their respective swamp land districts."

Which amendment was read and adopted.

After some discussion on a motion to put the bill on its third reading, the Senate, on motion of Mr. Rosson, took a recess until 2½ o'clock, p. m.

2½ O'CLOCK, P. M.

The Senate met.

Roll called by order of the President:

PRESENT—Messrs. Carrigan, Clark, Craighead, Davies, Douglas, Floyd, Gaines, Gould, Hammond, Jones, Marshall, McCreery, McColloch, Mecklin, Pennington, Redmond, Rosson, Stirman, Terry, Trimble, Watkins, Williams and Mr. President—23.

On motion of Mr. Watkins, Senate bill No. 115, to be entitled an act to provide for the management and control of the penitentiary, was made the special order for Monday next, at 10 o'clock, a. m.

Mr. President announced that the hour had arrived for the Senate to resume the consideration of certain railroad bills, and, thereupon, on motion of Mr. Floyd, the Senate resolved itself into the committee of the whole for that purpose—Mr. Rosson again taking the chair.

After some time in deliberation, the committee arose, and, through their chairman, reported progress, but asked to be discharged from the further consideration of said bills.

Which report was adopted by the Senate, and the committee accordingly discharged.

Mr. Rosson, from the committee on auditor and treasurer's books, made the following

REPORT:

MR. PRESIDENT—

The joint standing committee on the auditor and treasurer's books, have performed the duties assigned them, and have instructed me to report the following, as the result of their investigations; they have had every facility offered them by these gentlemanly officers, to make a thorough and complete examination.

Your committee have therefore, made a laborious and complete examination of the records and vouchers of these offices, compared them with the reports recently submitted by the auditor and treasurer to the executive, and by him to the General Assembly, and find them entirely correct and in strict accordance with said reports.

Your committee have inspected, examined and compared all the entries and additions in these offices, in relation to swamp and overflowed lands and swamp land scrip, and find everything strictly correct for the two years ending 30th September, 1858.

The manner in which these offices are conducted, reflects honor and credit on the officers and their efficient clerks—the system being so perfect that the financial condition of the state can be ascertained at any moment.

Your committee proceeded on the first day of December, 1858, to count the amount of cash on hand that day belonging to the various funds in the treasury, and found the aggregate in specie to be $257,501 71. On the 1st day of October, 1858, there was in the treasury in specie $258,083 77, as shown by the auditor and treasurer's reports, and since that time to the 1st day of December, there has been paid into the treasury from all sources, the sum of $15,477 67, making the total amount of $300,590 69, and in the same time the amount disbursed in specie from all funds together, was $43,088 98, leaving a balance as above stated in the treasury on the first day of December, of.................................... $257,501 71

Of this there belongs to the internal improvement fund..............	$12,244 75	
The seminary fund..................	4,021 01	
The saline fund....................	3,083 36	
The swamp land fund...............	24,724 72	
Due counties for tax paid for the redemption and purchase of forfeited lands..........................	1,349 86	
Escheats..........................	21 72	
Monument found...................	45 00	
General revenue...................	212,011 79	
	————	$257,501 71

In addition to the above, the treasurer exhibited to us the sum of $1,719 50, which was placed in his hands on the 19th of May, 1857, by John T. Trigg, Esq., late state collector, to remain as a special deposit until the parties interested shall designate to which of their several notes they desired the credits to be applied.

Also, there is in the treasury $211 23 of county scrip, due counties for the sale and redemption of forfeited lands for the non-payment of taxes.

To save confusion and for other reasons, your committee would recommend that hereafter the treasurer be authorized by law to receive nothing but specie in payment of county taxes, for the sale and redemption of forfeited lands.

It can hardly be expected that the treasurer would know when scrip was genuine or whether it might not be out of date in the county to which it belonged; as the law now is it really benefits no one but the speculator in county scrip.

There was also in the treasury on the 1st day of December, 1858, six hundred and eighty ($680) dollars, in Arkansas State Bank paper. Under a joint resolution of the General Assembly, your committee employed A. J. Smith, Esq., to register the same by No. and date, the principal bank and branches separately, which he did in a neat and proper manner. Your committee then proceeded to burn the same as directed by said resolution.

There was also in the treasury in redeemed Arkansas treasury warrants	$297,689 12
And one piece of old State scrip	30 00
Making in all	$297;719 12

Under said joint resolution spoken of, your committee was authorized to have the same registered in a well bound book by date, No. and amount, which was done by A. J. Smith, Esq., and after a thorough but tedious examination, it was found to be perfectly correct, and in accordance with said resolutions was burned.

Your committee also examined, canceled, and sealed up the six per cent. state bonds and coupons, received from the securities of Samnel Adams, former State treasurer, as reported on the 1st of October, 1854, amounting to three thousand, seven hundred and sixty-four dollars and fifty-eight cents ($3,764 58.)

Your committee would recommend that one hundred dollars be appropriated to pay A. J. Smith, Esq., for registering the Arkansas money (which from its age required a careful examination of each bill) and the treasury warrants and old state scrip, which was a tedious and troublesome job, comprising several thousand pieces, which had to be examined carefully piece by piece, and occupying over 150 pages of a large book, closely written, the writing being the easiest part of the job—all of which was executed in a neat manner under our supervision.

There was canceled and filed in the treasurer's office by the financial receiver of the State Bank, for the two years ending the 30th of September, 1858, one hundred and thirty-six 6 per cent. state bonds, amounting to one hundred and thirty-six thousand dollars (136,000) (which bonds were issued with coupons.) The amount of coupons canceled and filed was $136,-221 32, making in all state bonds and coupons filed in the treasurer's office, as reported by the treasurer, $267,221 32.

There was also canceled and filed with the treasurer by the receiver in chancery of the Real Estate Bank, for the two years ending 30th September, 1858, two hundred and fourteen Real Estate Bank bonds, issued by the State of Arkansas, at 6 per cent with coupons. The bonds amounting to $214,000; and there was also canceled and filed coupons, amounting to one hundred and sixty-seven thousand, six hundred and sixty-five dollars ($167,665,) making an aggregate of Real Estate Bank bonds and coupons of $381,665.

Your committee would suggest that as the business in the treasurer's office has very much increased in the past few years, so much that the treasurer has to pay out a part of his own perquisites in order to obtain the clerical assistance necessary to the indispensable discharge of the duties of his office. Your committee would therefore recommend that the amount for clerk hire be increased to $800 per annum; a good clerk can not be employed for much less than one thousand dollars per annum, and the business is sufficient to keep one constantly employed.

Your committee would recommend that the same amount be appropriated out of the general revenue, that was by the last General Assembly, for clerk hire in the auditor's office, and that a sufficient amount be appropriated out of the internal improvement, saline, seminary and swamp land funds, to pay for clerk hire in that office in relation to these several interests.

Your committee have taken into consideration the treasurer's report in regard to the iron safe formerly used for a specie vault, and are decidedly of the opinion that it was an unsafe place for so large an amount of gold and silver, and highly approve the treasurer's course in renting the vault of the old State Bank for that purpose, and would recommend that an appropriation be made of $400, to pay the rent for said vault for the two years past and the two years to come, the rent being $100 per annum.

Your committee would draw the attention of the General Assembly to the auditor's report, page 4:

Under a joint resolution of the last General Assembly, the committee on auditor aud treasurer's accounts, burnt the Arkansas money on hand in the treasury, and it appears that $18 40 of said money was due counties for county taxes paid into the treasury; and that $124 40 belonged to the common school fund; and that $504 belonged to the internal improvement fund; and to make the change correct, there was $2 99 due A. H. Rutherford, late State treasurer, making the aggregate sum of $649 23. Your committee would therefore recommend that said amount be appropriated out of the general revenue to reimburse these funds.

There was exhibited to your committee by the treasurer, forty-two Real Estate Bank bonds, which were filed in his office by persons owning stock bonds in the Real Estate Bank, under an act approved Jan. 13, 1857, which bonds are not canceled but deposited to secure the capital stock of said bank.

Your committee would draw the attention of the General Assembly particularly to the reports made by the auditor and treasurer for many valuable suggestions, and the particular necessity of making a thorough examination of the affairs of the old board of swamp land commissioners, not only in justice to them but to the State.

It appears on examination in the treasurer's office, that there is over one million, one hundred thousand dollars of swamp land scrip, which was received prior to the 1st of Jan'y., 1856, a large portion of which is not canceled and some confusion exists in the posting of it. Your committee would therefore, recommend that an appropriation be made to pay a clerk to cancel and correct any errors there may exist in the entries, and that the governor be authorized to appoint said clerk. Your committee would suppose that the sum of three hundred dollars would be sufficient to pay for said work.

All of which is respectfully submitted.

SIMEON E. ROSSON, *Ch'n*
on part of the Senate.
W. Y. McCAMMON, *Ch'n*
on part of the House.

Which report was read, and on motion of Mr. Clark, adopted.

On motion of Mr. Redmond, three hundred copies of said report were ordered to be printed for the use of the Senate.

On motion of Mr. Floyd, Senate bill No. 143, to be entitled an act to aid in the construction of the Memphis and Little Rock railroad, was taken up and recommitted to the committee on internal improvements.

On motion of Mr. Floyd, the name of Mr. Terry was added to the committee on internal improvements.

On motion of Mr. Rosson, the resolution of the House, to go into the election of auditor and treasurer, on Saturday the 29th inst., at 11 o'clock, a. m., was taken up and concurred in.

On the further motion of Mr. Rosson, the resolution of the House to go into the election of an associate justice of the Supreme court, on the 29th inst., to fill the vacancy caused by the death of Hon. C. C. Scott, was taken up and read.

Mr. Floyd moved to amend by striking out "the 29th inst," and inserting "Saturday, the 5th of February next," in lieu thereof.

Which motion, on a division of the Senate, prevailed.

On motion of Mr. Redmond, the resolution, as amended, was then concurred in.

No. 163. Mr. Redmond, on leave, introduced Senate bill to be entitled an act for the benefit of the estate of George W. Underhill, deceased.

Which was read the first time.

On motion of Mr. Redmond, the rules were suspended, the bill read the second time, by title, and referred to the committee on the judiciary.

On motion of Mr. Pennington, House joint resolution No. 15, memorializing Congress to confirm certain land entries and permit land in the railroad reserves to be entered at the graduated prices, was taken up, read and adopted.

On motion of Mr. Clark, Senate bill No. 54, to be entitled an act to provide for the correction of errors in the sale of state lands and for other purposes, was taken up, and on motion of Mr. Redmond, made the special order for Saturday next, at 2½ o'clock, P. M.

On motion of Mr. Craighead, the Senate adjourned until 10 o'clock to-morrow morning.

THOS. FLETCHER,
President.

Friday, *January* 28*th*, 1859.

The Senate met pursuant to adjournment.

Prayer by Rev. D. L. G. McKenzie.

Roll called.

Present—Messrs. Carrigan, Clark, Craighead, Davies, Douglas, Floyd, Gaines, Gould, Hammond, Jones, Marshall, McCreery, McColloch, Mecklin, Pennington, Redmond, Rosson, Stirman, Terry, Trimble, Watkins, Williams and Mr. President—23.

The journal of yesterday was read, approved and signed.

Petitions from counties were in order.

Mr. Davies presented a petition from citizens of his district praying the passage of an act to legalize the sales of swamp and overflowed lands, made by Jesse A. Jackson, formerly state land agent for the Helena district; said sales having been made after the 30th of September, 1853, the date when said agent received the books and plats of his office, and had given bond to the state.

No. 164. Which petition was accompanied by Senate bill to be entitled an act for the relief of certain purchasers of swamp lands.

Read the first time.

On motion of Mr. Redmond, the rules were suspended, the bill read the second time, by title, and referred to the committee on the judiciary.

The introduction of bills was in order.

No. 165. Mr. Stirman introduced a bill to be entitled an act for the relief of Dogan, Duke & Co.

Read the first time.

On motion of Mr. Stirman, the rules were suspended and the bill read the second time, by title, and referred to the committee on swamp and overflowed lands.

Mr. Trimble, from the committee on enrollments, made the following

REPORT:

Mr. President—

The committee on enrollments have examined House bill No. 226, entitled an act to change the time for electing the judge of the 5th judicial circuit of this state.

Also, House bill No. 55, to authorize the governor to have certain lands selected, and for other purposes.

Also, substitute for House bill No. 139, for the relief of Gray C. Brown, of Clark county, Arkansas.

Also, House bill No. 224, to authorize the governor to subscribe stock in certain railroads.

Also, House bill No. 108, for the relief of Ralph Arnold, late sheriff of Marion county, Ark.

Also, House bill No. 289, to enable Missouri F. Harris to become Guardian of her minor children, and have instructed me to report the same correctly enrolled.

J. S. TRIMBLE,
Chairman.

Which report was read and received.

On motion of Mr. Floyd, House bills were ordered to be taken up.

Engrossed House bill No. 75, to be entitled an act to provide for the purchase and distribution of one hundred copies of English's Digest of the Reports of the decisions of the Supreme Court of the State of Arkansas, was taken up and read the first time.

On motion of Mr. Clark, the rules were suspended, the bill read the second time, by title, and referred to the committee on the judiciary.

House bill No. 101, to be entitled "an act the more effectually to prevent the carrying of concealed weapons in the State of Arkansas, was taken up and read the first time.

Mr. Stirman, moved to suspend the rules, but Mr. Terry objected, and moved the rejection of the bill.

The question was stated from the chair, "shall the bill be rejected?" and decided in the affirmative.

House bill No. 103, to be entitled "an act amendatory of an act concerning estrays in Polk county," approved 31st December, 1852, was taken up and read the first time.

On motion of Mr. Carrigan, the bill was indefinitely postponed.

House bill No. 105, to be entitled " an act to amend an act to incorporate the city of Arkadelphia," was taken up and read the first time.

On motion of Mr. Pennington, the rules were twice suspended; the bill read the second and third times, by title, and passed.

House bill No. 107, to be entitled " an act to repeal an act declaring Buffalo Fork, of White river, in Marion county, a navigable stream," was taken up and read the first time.

On motion of Mr. Stirman, the rules were suspended, and the bill read the second time by title.

On motion of Mr. Williams, the words "in Marion county," was stricken out of the bill; and,

On his further motion, it was read the third time, as amended, and passed.

House bill No. 120, to be entitled " an act to prohibit fire hunting after night in Ouachita county, and for other purposes," was taken up and read the first time.

On motion of Mr. McColloch, the rules were suspended, the bill read the second time, by title.

Mr. McColloch moved to amend by striking out " Ouachita county."

Mr. Carrigan moved to amend by striking out " Lafayette county."

Mr. Clark moved to amend by striking out " Sebastian county."

The bill was then read by request, for information, and after some discussion,

On motion of Mr. Carrigan, it was indefinitely postponed.

House bill No. 130, to be entitled "an act to authorize the county court of Clark county, to establish a second election precinct in the city of Arkadelphia," was taken up and read the first time.

On motion of Mr. Pennington, the rules were suspended, the bill read the second time, by title, and by his request, ordered to take its place under the rules.

Message from the House of Representatives by their clerk:

Mr. President—

I am instructed to inform your honorable body that the House of Representatives have passed House bill No. 95, entitled "an act regulating weights and measures."

Engrossed House bill No. 295, to be entitled " an act to limit the pay of witnesses in criminal cases."

House bill No. 298, to be entitled "an act to more fully define the meaning of section 23, chapter 68, of Gould's Digest."

House bill No. 299, to be entitled "an act to constitute Mary

L. Wyatt a lawful heir of Wm. Wyatt, and for other purposes;" and

House bill No. 300, to be entitled "an act to incorporate the town of Hopefield, in Crittenden county."

Said five bills are herewith transmitted for the assent of your honorable body, which is respectfully asked.

The House of Representatives have assented to Senate bill No. 121, to be entitled "an act supplementary to an act passed at the present session of the General Assembly, entitled 'an act to incorporate the town of Hampton, in the county of Calhoun.'"

Said bill is herewith returned.

S. M. SCOTT, *Clerk of*
House of Representatives.

House bill No. 95, to be entitled "an act regulating weights and measures in this state," was taken up and read the first time.

On motion of Mr. Davies, the rules were suspended, the bill read the second time by title, and referred to the committee on ways and means.

House bill No. 131, to be entitled an act to amend an act entitled an act to incorporate the town of Clinton approved January 9, 1851, was taken up and read the first time.

On motion of Mr. Rosson, the rules were twice suspended, the bill read the second and third times, by title, and passed.

House bill No. 136, to be entitled an act to prohibit the emancipation of slaves, was taken up and read the first time.

On motion of Mr. Terry, the rules were twice suspended, the bill read the second and third times, by title, and passed, by a unanimous vote of the Senate.

Mr. Floyd was called to the chair.

House bill No. 137, to be entitled "an act providing for the assessment of all lands at a true value," was taken up and read the first time.

On motion of Mr. Davies the rules were suspended and the bill read the second time, by title, when Mr. Hammond moved its indefinite postponement.

The motion to postpone indefinitely was discussed at length, and before a vote was taken thereon, the Senate, on motion of Mr. Gaines, adjourned until 10 o'clock to-morrow morning.

THOS. FLETCHER,
President.

SATURDAY, *January* 29, 1859.

The Senate met pursuant to adjournment.

Prayer by the Rev. Mr. Denton, chaplain of the House.

Roll called.

PRESENT—Messrs. Carrigan, Craighead, Davies, Douglas, Floyd, Gaines, Gould, Hammond, Jones, Marshall, McCreery, McColloch, Mecklin, Pennington, Redmond, Rosson, Stirman, Terry, Trimble, Watkins, Williams and Mr. President—22.

Mr. Gould asked, and obtained leave of absence for Mr. Clark, who was indisposed.

The journal of yesterday was read, approved and signed.

No. 166. Mr. Gould, on leave, introduced a bill to be entitled "an act to amend section 7, chapter 147, and section 51, chapter 148, of the Digest of 1858.

Read first time.

On motion of Mr. Gould, the rules were suspended, the bill read the second time, by title, and referred to the committee on the judiciary.

Mr. Carrigan presented the proceedings and petition of the county court, and a majority of the justices of the peace for Hempstead county, praying the General Assembly to repeal the road tax law passed at the last session, so far as it relates to said county of Hempstead; which was accompanied by Senate bill No. 167, to be entitled "an act to repeal the road tax law in Hempstead county."

Read first time.

On motion of Mr. Carrigan, the rules were twice suspended, the bill read the second and third times, by title, and passed.

No. 168. Mr. Stirman introduced Senate bill to be entitled an act to sell and confirm title to certain lands in Conway county, Arkansas.

Read first time.

On motion of Mr. Stirman, the rules were suspended, the bill read the second time by title and referred to the committee on the judiciary.

Mr. Davies offered the following

RESOLUTION:

Resolved, That the auditor be, and is, hereby requested to furnish this Senate with a tabular statement, showing the number of acres of land assessed for taxation in each county in this state, with the average assessed value of such land per acre therein.

Which was read, and on motion of Mr. Floyd, adopted.

Mr. Watkins offered the following

RESOLUTION:

Resolved, That the two houses of this General Assembly adjourn *sine die*, on Monday, the fourteenth day of February next.

Which was read, when Mr. Carrigan moved its adoption.

Mr. Stirman moved the indefinite postponement of the resolution; which motion having precedence of the motion to adopt,

Mr. Carrigan demanded the yeas and nays, and the demand being sustained, the call was ordered:

YEAS—Messrs. Craighead, Davies, Douglas, Floyd, Gaines, Jones, Marshall, McColloch, Mecklin, Redmond, Stirman and Williams—12.

NAYS—Messrs. Carrigan, Gould, Hammond, McCreery, Pennington, Rosson, Terry, Trimble, Watkins and Mr. President —10.

So the resolution was indefinitely postponed.

Mr. Pennington offered the following

RESOLUTION:

Resolved, That the Senate, after this time, will hold evening sessions on Mondays, Wednesdays and Fridays.

Resolved further, That no senator shall speak longer than thirty minutes, unless leave be granted.

Which was read, and ordered to lay over under the rules.

Mr. Floyd introduced Senate bill No. 169, to be entitled an act to legalize all public roads and highways."

Read first time.

On motion of Mr. Floyd, the rules were twice suspended, the bill read the second and third times, by title, and passed.

No. 170 Mr. Davies introduced Senate bill to be entitled an act defining the price of swamp and overflowed lands, lying and being between (6) six miles of Cache river, above the southern boundary of Lawrence county, in this state.

Which was read the first time.

On motion of Mr. Davies, the rules were suspended, the bill read the second time, by title, and

On motion of Mr. Floyd, it was referred to the committee on swamp and overflowed lands.

Mr. Gaines, from the committee on the judiciary, made the following

REPORT:

Mr. PRESIDENT—

The judiciary committee to whom was referred Senate bill No. 156, to be entitled " an act to amend chapter 4 of the Digest of 1858," have had the same under consideration, and have instructed me to report it back to the Senate and recommend its passage.

GAINES,
Chairman.

Which report was read and received; but before any motion was made thereon, the Senate,

On motion of Mr. Craighead, took a recess until 11 o'clock, a. m.

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11 O'CLOCK, A. M.

The Senate was called to order.

Messages was received from the House of Representatives, by the clerk:

Mr. PRESIDENT—

I am instructed to inform your honorable body that the House of Representatives have assented to Senate Bill No. 52, to be entitled "an act cencerning the Cairo and Fulton railroad and its two branches."

Said bill is herewith returned.

The House of Representatives have passed House bill No. 147, to be entitled "an act to remove the free negroes and mulattoes from this state."

Said bill is herewith transmitted for the assent of your honorable body, which is respectfully asked.

S. M. SCOTT, *Clerk of*
House of Representatives.

Mr. PRESIDENT—

I am instructed to inform your honorable body that the House of Representatives are now ready to receive your honorable body in their hall, for the purpose of going into the election of auditor of state and a treasurer of the State of Arkansas.

S. M. SCOTT, *Clerk of*
House of Representatives.

On motion of Mr. Trimble, the Senate repaired to the hall of the House of Representatives, and being there seated, the President of the Senate announced the object of the convention of the two houses, and stated that nominations for auditor of public accounts of the State of Arkansas were in order.

Mr. Bunch of the House nominated William R. Miller.

No other nomination being made the rolls were called, when it appeared that on joint ballot William R. Miller had received 89 votes.

Those senators present voted for William R. Miller, viz:

Messrs. Carrigan, Craighead, Davies, Douglas, Floyd, Gaines, Gould, Hammond, Jones, Marshall, McCreery, McColloch, Mecklin, Pennington, Redmond, Rosson, Stirman, Terry, Trimble, Watkins, Williams and Mr. President—22.

In the House William R. Miller received 67 votes.

Mr. Carlisle of the House voted for "Billy Patterson."

Whereupon the president of the senate announced that William R. Miller, having received a majority of all the votes given was dully and constitutionally elected Auditor of Public Accounts of the State of Arkansas for and during the term prescribed by law.

The president then announced that nominations for State Treasurer were in order.

Mr. Redmond nominated John Quindley.

Mr. McCammon of the House nominated John H. Crease.

No further nominations being made the rolls were called when it appeared that on joint ballot John Quindley bad received 46 votes and John H. Crease 43 votes.

Those senators who voted for John Quindley are:

Messrs. Floyd, Marshall, Pennington, Redmond, Stirman, Terry, Trimble, Williams and Mr. President—9.

Those who voted for John H. Crease are:

Messrs. Carrigan, Craighead, Davies, Douglas, Gaines, Gould, Hammond, Jones, McCreery, McColloch, Mecklin, Rosson and Watkins—13.

In the House John Quindley received 37 votes and John H. Crease 30 votes.

Whereupon the president of the senate announced that John Quindley having received a majority of all the votes given was duly and constitutionally elected Treasurer of the State of Arkansas for and during the term prescribed by law.

The senate then returnd to their chamber, and,

On motion of Mr. Floyd took a recess until 2½ o'clock, p. m.

At 2½ o'clock p. m. the senate convened and the roll was called by order of the president.

Present—Messrs. Carrigan, Craighead, Davies, Douglas, Floyd, Gaines, Gould, Hammond, Marshall, McCreery, Mecklin, Pennington, Rosson, Trimble, Watkins and Mr. President—16.

There being no quorum present,

Mr. Gaines moved that the senate adjourn until 10 o'clock Monday morning; which motion was lost.

On motion of Mr. Davies the door-keeper was sent in quest of the absentees, and soon returned with one of them, Mr. McColloch, when a further call of the senate, was

On motion of Mr. Rosson dispensed with.

On motion of Mr. Rosson House bill No. 158, to be entitled an act to authorize the clerks of the counties of Izard and Carroll to burn certain election returns and canceled county scrip in their respective offices, was taken up and read the first time.

On the further motion of Mr. Rosson the rules were twice suspended, the bill read the second and third times, by title, and passed.

Mr. McCreery was called to the chair.

On motion of Mr. Floyd the amendment of the House to insert the word "Seminole" after the word "Creek" in the first section of senate bill No. 140, to be entitled an act to distribute the new digest of the statutes of Arkansas was taken up and concurred in by the senate.

No. 171, Mr. Watkins on leave, introduced Senate bill to be entitled an act to incorporate the Jacksonport and Carrolton turnpike company.

Read the first time.

On motion of Mr. Watkins, the rules were twice suspended, the bill read the second and third times by title, and passed.

On motion of Mr. Gaines, the Senate adjourned until 10 o'clock Monday morning.

THOS. FLETCHER,
President.

MONDAY, *January* 31, 1859.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Denton, chaplain of the House.

The roll was called, when the following senators answered to their names:

Messrs.—Carrigan, Clark, Craighead, Davies, Douglas, Floyd, Gaines, Gould, Jones, Marshall, McCreery, McColloch, Mecklin, Pennington, Redmond, Rosson, Stirman, Terry, Trimble, Watkins, Williams and Mr. President—22.

On motion of Mr. Rosson leave of absence was granted to Mr. Hammond.

The journal of Saturday was read, approved and signed.

Pursuant to previous order senate bill No. 115, to be entitled an act to provide for the management and control of the Penitentiary, was taken up and read.

On motion of Mr. Redmond, the blank in the 6th section of the bill was filled by inserting the words "three hundred."

On motion of Mr. Rosson, the bill was amended by striking out the words "four years" wherever they occur, and insert the words "two years" in lieu thereof.

Mr. Donglas moved to amend the bill further by striking out.

section 8, which provides for the appointment of a chaplain of the penitentiary.

Mr. Marshall moved the adoption of the amendment and Mr. Douglas called for the yeas and nays thereon, which call being sustained was ordered.

YEAS—Messrs. Douglas, Marshall, Rosson, and Trimble—4.

NAYS—Messrs. Carrigan, Clark, Craighead, Davies, Floyd, Gaines, Gould, McCreery, McColloch, Mecklin, Pennington, Redmond, Stirman, Terry, Watkins, Williams and Mr. President—17.

So the amendment was not adopted.

Mr. Stirman offered to amend the bill by striking out the 7th section and inserting the following:

SEC. 7. That the governor be required and fully authorized to contract with some suitable person or persons for the making of three good cisterns within the walls of the penitentiary that will hold at least thirty thousand gallons of water each, and that each cistern be supplied with a good chain pump, and furthermore, that the governor be required and fully authorized, to contract for the building of a suitable fire-proof kitchen, for the use of the penitentiary, and for the removal of the partition wall now standing between the mess room and kitchen, and also the cooking apparatus and kitchen furniture generally—and the whole be placed in complete repair and used as a mess-room; and that the governor be authorized to draw a warrant on the treasurer in the name of the contractor for the amount of money due on said contract after having been inspected by the inspector provided for in the eleventh section of this act and found to be done in strict conformity with the contract made therefor.

Which amendment was lost, on a motion for its adoption.

Mr. Floyd moved to amend by an additional section, to-wit:

SEC. — That the governor is hereby authorized to contract for the building of a keepers house upon such plan as he may think best for the interest of the State and that the sum of ten thousand dollars be and the same is hereby appropriated out of any money in the treasury no otherwise appropriated to pay for building the same.

Mr. Trimble offered to amend the amendment by striking out "ten thousand" and inserting "five thousand" in lieu thereof, which was accepted by Mr. Floyd.

The vote was then taken on the adoption of the amendment as amended when it was lost.

On motion of Mr. Carrigan the blank in the tenth section of the bill was filled with the word "sixty."

Mr. Craighead moved to appropriate four thousand dollars for building a house for the residence of the keeper of the penitentiary.

Mr. Stirman offered to amend the motion by saying four thousand five hundred; which was accepted by Mr. Craighead.

The motion was lost.

Mr. Floyd moved to amend the bill by adding the following section :

Sec. — That after the expiration of two years from the passage of this act the convicts and prisoners now in the penitentiary shall be discharged from custody and that the system now in operation for the punishment of convicts in the jail and penitentiary house be and the same is hereby entirely abolished in this State.

Which amendment was read when Mr. Rosson moved its postponement until the 4th of July next, on which motion

Mr. Marshall demanded the yeas and nays and the demand being sustained the roll was called.

Yeas—Messrs. Carrigan, Clark, Craighead, Davies, Douglas, Gaines, Gould, Marshall, McCreery, McColloch, Mecklin, Pennington, Rosson, Stirman, Trimble, Watkins, Williams and Mr. President—18.

Nay—Mr. Floyd—1.

So the amendment was postponed.

Mr. Gaines moved to amend the bill in order to appropriate three thousand dollars for the building of a house for the residence of the keeper of the penitentiary.

Which motion was lost.

On motion of Mr. Floyd the bill was then postponed until Friday next 10 oclock, a. m.

Message from the House of Representatives by the clerk:

Mr. President—

I am instructed to inform your honorable body, that the House of Representatives have concurred in Senate amendment to House bill No. 115.

The house of representatives have passed house bill No. 210, to be entitled "an act to raise jailors' fees."

Also house bill No. 106, to be entitled an act for the relief of Mrs. Phanuel C. Lewis of Chicot county.

Said bills are herewith transmitted for the assent of your honorable body, which is respecfully asked.

The house of representatives have adopted the following resolution :

Resolved, That the two Houses of this General Assembly will adjourn *sine die* on Monday the 14th February, A. D. 1859, and that the senate be requested to concur herein.

Said resolution is herewith transmitted for the concurrence of your honorable body, which is respectfully asked.

S. M. SCOTT, *Clerk*
House of Representatives.

Mr. President laid before the Senate the following communication from the auditor of public accounts:

AUDITOR'S OFFICE,
Little Rock, Arkansas,
January 29th, 1859.

HON. THOS. FLETCHER,
President of the Senate:

SIR—In response to a resolution, passed by the honorable body over which you preside, I herewith submit a table showing the average value per acre of lands assessed for taxation in each county for the year 1858.

Very respectfully,
your obedient servant,
W. R. MILLER,
Auditor of Arkansas.

STATEMENT—*Showing the number of acres of land assessed for taxation in each county, for the year* 1858; *the total value thereof, and the average value per acre, in round numbers.*

No.	COUNTIES.	No. of acres of land.	Total value.	Average rate per acre.
1	ARKANSAS	301456	$2010348	$ 6 66
2	ASHLEY	200328	769929	3 84
3	BENTON	165514	829234	5 01
4	BRADLEY	186178	624195	3 35
5	CALHOUN	75543	310631	4 11
6	CARROLL	77644	433440	5 58
7	CHICOT	231589	2364220	10 20
8	CLARK	201249	922544	4 51
9	COLUMBIA	231759	1042415	4 49
10	CONWAY	178920	667526	3 73
11	CRAWFORD	87970	432775	4 92
12	CRITTENDEN	249760	2517395	10 08
13	DALLAS	229194	775550	3 38
14	DESHA	355436	1604614	4 51
15	DREW	334300	1225965	3 66
16	FRANKLIN	84493	429319	5 08
17	FULTON	84068	281475	3 34
18	GREENE	67405	244772	3 63
19	HEMPSTEAD	322069	1262339	3 91
20	HOT SPRING	70426	306637	4 35
21	INDEPENDENCE	312671	1197399	3 83
22	IZARD	122413	430557	3 51
23	JACKSON	267501	1532316	5 72
24	JEFFERSON	339579	1763669	5 19
25	JOHNSON	110349	512044	4 64
26	LAFAYETTE	186273	980500	5 26
27	LAWRENCE	194234	703241	3 52
28	MADISON	70880	246200	4 04
29	MARION	55232	277536	5 02
30	MONROE	228084	1186397	5 20
31	MONTGOMERY	19613	131047	6 68
32	MISSISSIPPI	132363	493796	3 73
33	NEWTON	12425	75223	6 05

No.	COUNTIES.	No. of acres of land.	Total value.	Average rate per acre.
34	OUACHITA	199364	739172	3 70
35	PERRY	44682	181103	4 05
36	PHILLIPS	377688	3426152	9 07
37	PIKE	65839	278671	4 23
38	POINSETT	147067	560043	3 80
39	POLK	15967	70386	4 40
40	POPE	80281	407408	5 07
41	PRAIRIE	294527	1113033	3 77
42	PULASKI	283464	1560804	5 50
43	RANDOLPH	137642	502791	3 65
44	SALINE	147518	508119	3 44
45	SCOTT	26335	129654	4 92
46	SEARCY	31011	178301	5 74
47	SEBASTIAN	101251	497676	4 91
48	SEVIER	197430	695613	3 52
49	ST. FRANCIS	255764	1474903	5 76
50	UNION	334302	1082371	3 23
51	VAN BUREN	58203	205734	3 53
52	WASHINGTON	235335	1162249	4 93
53	WHITE	298564	1187172	3 97
54	YELL	98334	435042	4 41

NOTE.—The average value per acre of lands assessed in the counties of Arkansas, Columbia, Greene, Lawrence, Mississippi and Sevier, is for the year 1857; the tax books for some of those counties for 1858, not having been received at this office, and others not having been added up.

The average value of all the lands assessed in the state, according to the above table, is four dollars and seventy-five cents ($4 75) per acre.

W. R. MILLER, *Auditor of Arkansas.*

January 31, 1859.

On motion of Mr. Davies, two hundred copies of the table were ordered to be printed for the use of the Senate.

Petitions from counties were in order.

Mr. McColloch presented the petition of Jonathan P. Davis and Ebin N. A. Davis, representing that, on the 24th December, 1855, they entered, at the swamp land office at Pine Bluff, the north half of section 15, township 9 south, range 4 west, containing 320 acres of first class swamp land; and, also, section 14 and south half section 11, township 9 south, range 4 west, containing 960 acres of first class swamp land, for which they paid seventy-five cents per acre; that the nearest part of any of said lands to a navigable stream is more than six miles, and that other entries have been made nearer the river for fifty cents per acre—they, therefore pray the General Assembly to pass an act to refund to them the amount overpaid on such entry.

Which petition was read, and,

On motion of Mr. McColloch, referred to the committee on swamp and overflowed lands.

Mr. Trimble presented the petition of Rosanna Cox, representing that, sometime in the month of July, 1857, Woodford Cox, by subtlety, induced her to abscond with him to remote parts of the county in which she lived, and, by false representations, induced her to marry him—that she was only fourteen years of age, and that her maiden name was Rosanna Elms—

she therefore prays the passage of an act to restore her maiden name.

No. 171, Which petition was accompanied by Senate bill to be entitled an act to change the name of Rosanna Cox to that of Rosanna Elms.

Read the first time.

On motion of Mr. Trimble, the rules were suspended, the bill read the second time, by title, and, with the petition, referred to the committee on the judiciary.

On motion of Mr. Gaines, the names of Messrs. Floyd and Trimble were added to the committee on the geological survey.

Mr. Carrigan moved to suspend all other business, and take up the House bills.

Which motion was lost.

On motion of Mr. McColloch, the name of Mr. Gould was added to the committee on internal improvements.

Mr. Gaines, from the committee on the judiciary, made the following

REPORT:

Mr. President—

The committee on the judiciary, to whom was referred Senate bill No. 150, to be entitled "an act to prevent captains and owners of steamboats from employing free negroes on their boats, having no free papers," have had the same under consideration, and have instructed me to report a substitute therefor, and recommend its passage.

GAINES,
Chairman:

Which report was read and received, and,

On motion of Mr. Redmond, the substitute was adopted in lieu of the original bill.

On motion of Mr. Floyd, the substitute bill was read the third time and passed with the following title: a bill to be entitled "an act to prevent captains and owners of steamboats, navigating any of the waters of this state, from employing free negroes on their boats."

Mr. Gaines, further from the same committee, made the following

REPORT:

Mr. President—

The committee on the judiciary, to whom was referred the petition of the mayor, alderman and citizens of the corporation of Powhattan, have had the same under consideration and have instructed me to report it back, and recommend that the prayer of the petitioners be rejected.

GAINES, *Chairman.*

Which report was read, and

On motion of Mr. Gaines, adopted, and the petition thereby rejected.

Mr. Gaines further, from the same committee, made the following

REPORT:

Mr. President—

The judiciary committee, to whom was referred Senate bill No. 118, to be entitled "an act to amend the election laws of this state," have had the same under consideration, and have instructed me to report it back to the Senate, and recommend its passage.

GAINES,
Chairman.

Which report was read and received.

Mr. Gaines moved to amend the bill by striking out the fifth section which provides that "No officer of the U. S. army or navy shall be entitled to vote in any election in this state."

Which motion was lost.

On motion of Mr. Floyd, the bill was then read the third time and passed.

Mr. Gaines, further, from the same committee, made the following

REPORT:

Mr. President—

The judiciary committee, to whom was referred Senate bill No. 159, to be entitled "an act to amend chapter 25 of the Digest of 1858, under the head of 'Bills of Exchange,'" have had the same under consideration, and have instructed me to report it back, and recommend its passage.

GAINES,
Chairman.

Which report was read and received.

On motion of Mr. Floyd, the bill was read the third time and passed.

Mr. Gaines, from the same committee, made the following

REPORT:

Mr. President—

The judiciary committee, to whom was referred Senate bill No. 23, to be entitled "an act to allow widows dower in choses in action," have had the same under consideration, and instruct me to report it back to the Senate, and recommend its passage.

GAINES,
Chairman.

Which report was read and received.

On motion of Mr. McColloch, the bill was read the third time.

Mr. Craighead moved to recommit it to the committee on the judiciary.

Which motion was lost.

The question was then stated from the chair: "Shall the bill pass," and Mr. McColloch called for the yeas and nays; which call was sustained and ordered:

Yeas—Messrs. Carrigan, Clark, Craighead, Douglas, Floyd, Gaines, Gould, McColloch, Mecklin, Pennington, Rosson, Trimble, Watkins, Williams and Mr. President—15.

Nays—Messrs. Davies, Marshall and McCreery—3.

So the bill passed.

On motion of Mr. Rosson, the Senate took a recess until 2½ o'clock, p. m.

2½ o'clock, p. m.

The Senate convened.

Roll called by order of the President:

Present—Messrs. Carrigan, Clark, Craighead, Davies, Douglas, Floyd, Gaines, Gould, Jones, Marshall, McCreery, McColloch, Mecklin, Pennington, Rosson, Trimble, Watkins, Williams and Mr. President—19.

Mr. Gaines, from the committee on the judiciary, made the following

REPORT:

Mr. President—

The judiciary committee, to whom was referred Senate bill No. 163, to be entitled "an act for the benefit of the estate of George W. Underhill, deceased," have had the same under consideration, and instruct me to report it back and recommend its rejection.

GAINES,
Chairman.

Which report was read and received, and, at the request of Mr. Gaines, permitted to remain upon the table for the present.

Mr. Gaines, from the same committee, made the following

REPORT:

Mr. President—

The judiciary committee, to whom was referred engrossed House bill No. 51, to be entitled "an act to prevent the sale of spirituous liquors to slaves," have had the same under consideration, and instruct me to report it back and recommend its rejection.

GAINES,
Chairman.

Which report was read and received.

On motion of Mr. McColloch, the report was adopted, and the bill thereby rejected.

Mr. Gaines, further from the same committee, made the following

REPORT:

Mr. President—

The judiciary committee, to whom was referred a resolution to amend the constitution of this state in reference to the "Jurisdiction of justices of the peace," have considered the same, and instruct me to recommend its rejection.

GAINES,
Chairman.

Which report was read, and

On motion of Mr. Rosson, adopted, and the resolution thereby rejected.

Mr. Gaines, further from the committee on the judiciary, made the following

REPORT:

Mr. President—

The committee on the judiciary to whom was referred Senate bill No. 152, to be entitled an act to incorporate the Phi Kappa Sigma College, have had the same under consideration, and instruct me to report it back and recommend its passage.

GAINES,
Chairman.

Which report was read and received.

On motion of Mr. Gaines, the bill was read the third time and passed.

Mr. Gaines, further from the same committee, made the following

REPORT:

Mr. President—

The judiciary committee, to whom was referred Senate bill No. 158, to be entitled an act to amend chapter 56 of the Digest of 1858, under the head of "Descents and Distributions," have had the same under consideration, and instruct me to report it back to the Senate and recommend its passage.

GAINES,
Chairman.

Which report was read and received, and

On motion of Mr. Floyd, the bill was read the third time and passed.

Mr. Gaines, further from the same committee, made the following

REPORT:

Mr. President—

The judiciary committee, to whom was referred House bill No. 18, to be entitled "an act to limit the responsibility of the master, for trespasses committed by his slave, in those cases where, by our law, he is liable, although the trespass be committed without the knowledge and consent of the master," have had the same under consideration, and instruct me to report it back and recommend its rejection.

GAINES,
Chairman.

Which report was read, and on motion of Mr. Clark, adopted, and the bill thereby rejected.

Mr. Gaines, further from the same committee made the following

REPORT:

Mr. President—

The judiciary committee, to whom was referred substitute House bill No. 91, to be entitled "an act to confer upon the circuit courts of this state power to constitute legal heirs," have considered the same, and instruct me to report it back and recommend its rejection.

GAINES,
Chairman.

Which report was read, and

On motion of Mr. McColloch, adopted, and the bill thereby rejected.

Mr. Gaines further, from the same committee, made the following

REPORT:

Mr. President—

The judiciary committee, to whom was referred House bill No. 19, to be entitled "an act in relation to continuances, have considered the same, and instruct me to report it back and recommend its rejection.

GAINES,
Chairman.

Which report was read, and on motion of Mr. Floyd, adopted, and the bill thereby rejected.

Mr. Gaines, further from the same committee, made the following:

REPORT:

Mr. President—

The judiciary committee to whom was referred Senate bill No. 85, to be entitled " an act to incorporate the Grand and Subordinate Temples of Honor and Temperance in the State of Arkansas," have considered the same, and a majority instruct me to report it back and recommend its rejection.

GAINES,
Chairman.

Which report was read, when Mr. Watkins moved it adoption, in order to reject the bill.

On which motion, Mr. Clark demanded the yeas and nays, which demand being sustained, the roll was called.

Yeas—Messrs. Craighead, Douglas, Gaines, Marshall, McCreery, Trimble, Watkins, Williams and Mr. President—9.

Nays—Messrs. Carrigan, Clark, Davies, Floyd, Gould, Jones, McColloch, Mecklin, Pennington and Rosson—10.

So the report was not adopted.

On motion of Mr. Gould, the bill was recommitted to the committee on the judiciary.

Mr. Rosson from the committee on swamp and overflowed land made the following

REPORT:

Mr. President—

The committee on swamp and overflowed land to whom was referred Senate bill No. 60, to be entitled " an act fixing the minimum price of the swamp and overflowed lands of the State of Arkansas, at one dollar per acre, from and after the first of December, 1858," have had the same under consideration and a majority of said committee have instructed me to report it back and recommend its rejection.

ROSSON,
Chairman, pro tem.

Which report was read, and

On motion of Mr. Rosson, adopted, and the bill thereby rejected.

Mr. Rosson further from said committee made the following

REPORT:

Mr. President—

The committee on swamp and overflowed lands to whom was referred Senate resolution No. 27, asking the consent of Congress that the State of Arkansas may enter into a compact or agreement with certain other states relative to the making of cut-offs on the Mississippi river, have had the same under consideration, and a majority of the committee instruct me to report it back and recommend its adoption.

ROSSON,
Chairman.

Which was read and received, and the resolution was discussed at length by Mr. Gaines for, and Mr. Craighead against its adoption.

Mr. Clark moved to adjourn till 9 o'clock to-morrow morning.

Which motion was lost.

On motion of Mr. Davies, a call of the Senate was made, when it appeared that Messrs. Gould, McCreery, Redmond, Stirman, Terry and Williams were absent without leave.

On motion of Mr. Carrigan, leave of absence was granted to Mr. McCreery, who was absent on account of the sickness of his colleague, Mr. McRea of the House.

There being no quorum present, the door-keeper was instructed to procure the attendance of the absentees without leave; but before he returned, the Senate,

On motion of Mr. Davies, adjourned until 9½ o'clock tomorrow morning.

THOS. FLETCHER,
President.

* * *

Tuesday, *February* 1, 1859.

The Senate met pursuant to adjournment.

Prayer by Rev. D. L. G. McKenzie.

Roll called.

Present—Messrs. Carrigan, Clark, Craighead, Davies, Douglas, Floyd, Gaines, Gould, Jones, Marshall, McCreery, McColloch, Mecklin, Pennington, Redmond, Rosson, Stirman, Terry, Trimble, Watkins, Williams and Mr. President—22.

The journal of yesterday was read, approved and signed.

On motion of Mr. Williams, all other business was suspended and the House bills on their first reading were taken up.

House bill No. 106, to be entitled an act for the relief of Mrs. Phanuel C. Lewis, of Chicot county, was read the first time.

On motion of Mr. Gaines, the rules were suspended, the bill read the second time, by title, and

On motion of Mr. Redmond, it was referred to the committee on the judiciary.

House bill No. 144, to be entitled an act to incorporate the Atlanta Male and Female Academy, in Union county, and to prohibit the sale of alcoholic liquors within one mile of the same, was read the first time.

On motion of Mr. Williams, the rules were twice suspended, the bill read the second and third times, by title, and passed.

House bill No. 151, to be entitled an act to increase the salary of the governor of Arkansas, was read the first time.

On motion of Mr. Pennington, the rules were suspended, and the bill was read the second time.

Mr. Pennington moved to amend by striking out the words "twenty-five hundred," in the first section of the bill, and inserting "twenty-two hundred.

Mr. Terry moved to amend the amendment by saying "three thousand," in lieu of "twenty-two hundred."

On motion of Mr. McCreery, the amendments were indefinitely postponed.

Mr. Davies moved to amend by inserting "two thousand" in lieu of "twenty-five hundred;" which amendment was, on motion of Mr. Terry, also indefinitely postponed.

On motion of Mr. Floyd, the rules were suspended, and the bill read the third time, and the question being on its passage, Mr. Redmond demanded the yeas and nays thereon, which demand was sustained and the roll called:

YEAS—Messrs. Clark, Craighead, Floyd, Gaines, Gould, Jones, McCreery, McColloch, Mecklin, Pennington, Rosson, Stirman, Terry, Trimble, Watkins and Mr. President—16.

NAYS—Messrs. Carrigan, Davies, Douglas, Marshall, Redmond and Williams—6.

So the bill passed.

The following Message was received from the House of Representatives by their clerk:

Mr. PRESIDENT—

I am instructed to inform your honorable body that the House of Representatives have assented to the following Senate bills, to-wit:

No. 21, to be entitled "an act to change the time of holding the county and probate courts of Independence county, and the probate court of Benton county."

Also, Senate bill No. 59, to be entitled "an act to authorize the county and probate judge of White county to cause to be transcribed the records of said county of White, and to legalize the same when so transcribed."

Said two bills are herewith returned.

The House of Representatives have passed the following House bills, viz:

House bill No. 241, to be entitled "an act to change the time of holding the circuit courts of Union and Sevier counties, in the 6th judicial circuit of the State of Arkansas, and for other purposes."

House bill No. 302, to be entitled "an act to establish a state road."

House bill No. 301, to be entitled "an act to prevent the sale of school lands in certain cases."

House bill No. 267, to be entitled "an act to amend the preemption laws of the state."

House bill No. 217, to be entitled "an act to incorporate the Arkansas Institute for the blind."

House bill No. 220, to be entitled "an act to amend section 52, chap 152, of Gould's Digest, under the head of "schools and school lands."

House bill No. 132, to be entitled "an act to amend section 3d, chapter 148, of Gould's Digest of the Statutes of Arkansas, in relation to state revenue."

House bill No. 303, to be entitled "an act to incorporate the Magnolia Female Institute."

Said eight bills are herewith transmitted for the assent of your honorable body, which is respectfully asked.

S. M. SCOTT, *Clerk of*
House of Representatives.

House bill No. 147, to be entitled "an act to remove the free negroes and mulattoes from this state," was taken up and read the first time.

On motion of Mr. Floyd, the rules were suspended and the bill read the second time by title.

Mr. Gould moved to refer the bill to the committee on the judiciary.

Which motion was lost.

On motion of Mr. Floyd, the bill was made the special order of the day for Saturday next, 10 o'clock, a. m.

House bill No. 153, to be entitled "an act declaring all roads and highways in Lafayette county lawful, and for other purposes," was read the first time.

On motion of Mr. Carrigan, the rules were twice suspended, the bill read the second and third times, by title, and passed.

House bill No. 154, to be entitled "an act to repeal in part, an act for the relief of the counties of Franklin, Union and Calhoun," approved 24th November, 1854, was read the first time.

On motion of Mr. Clark, the rules were twice suspended, the bill read the second and third times, by title, and passed.

House bill No. 164, to be entitled "an act to authorize Hopson O. Gentry, of Sevier county, Arkansas, to convey dower in certain lands," was read the first time.

On motion of Mr. Carrigan, the rules were twice suspended the bill read the second and third times, by title, and passed.

House bill No. 178, to be entitled "an act to constitute certain orphan children lawful heirs of Greenberry Gibbs and Edia Gibbs, of Montgomery county, Arkansas," was read the first time.

Mr. Douglas moved to reject the bill, and demanded the yeas and nays thereon, which was sustained, and the roll called:

Yeas—Messrs. Davies, Douglas, Rosson, Terry, Watkins and Williams—6.

Nays—Messrs. Carrigan, Clark, Craighead, Floyd, Gaines, Gould, Marshall, McCreery, McColloch, Mecklin, Pennington, Redmond, Trimble and Mr. President—14.

So the motion to reject was lost, and the bill took its course under the rules.

House bill No. 173, to be entitled "an act to amend sec. 11 of chap. 128, of Gould's Digest of the Statutes of Arkansas," was read the first time and took its course under the rules.

House bill No. 183, to be entitled "an act for the relief of W. W. Corcoran," was read the first time.

On motion of Mr. Terry, the rules were suspended, the bill read the second time, by title, and on his further motion referred to the committee on ways and means.

House bill No. 200, to be entitled "an act providing for the appointment of a county attorney, for the county of Independence," was read the first time.

On motion of Mr. Trimble, the rules were suspended, the bill read the second time, by title, and ordered to take its course under the rules.

Message from the House of Representatives by the clerk:

Mr. President—

I am instructed to inform your honorable body that the House of Representatives have passed House bill No. 307, to be entitled an act for the election of tax assessors, for the counties of Ashley, Poinsett, White, Crittenden, Washington, Franklin and Scott, in the State of Arkansas.

Said bill is herewith transmitted for the assent of your honorable body, which is respectfully asked.

S. M. SCOTT, *Clerk of*
House of Representatives.

House bill No. 202, to be entitled "an act for the relief of Pitman and Oats, of the county of Arkansas," was read the first time.

On motion of Mr. President, (Mr. Rosson in the chair,) the rules were twice suspended, the bill read the second and third times, by title, and passed.

Engrossed house bill No. 204, to be entitled "an act for the relief of the counties of Monroe, Washington, Lafayette, Prairie, Marion, Yell Poinsett, Jackson, Montgomery, Crawford, Saline, St. Francis, Perry and White," was read the first time.

On motion of Mr. Mecklin, the rules were suspended, and the bill read the second time, by title.

On the further motion of Mr. Mecklin, the county of Washington was stricken out and exempted from the provisions of the bill.

On motion of Mr. Terry, the county of Pulaski was inserted in and made subject to the provisions of the bill.

On motion of Mr. Pennington, the county of Polk was inserted in and made subject to the provisions of the bill.

On motion of Mr. Marshall, the county of Lawrence was also inserted in and made subject to the provisions of the bill.

On motion of Mr. Clark, the bill was referred to the committee on the judiciary.

House bill No. 205, to be entitled "an act for the relief of Hannah Shanks," was read the first time.

Mr. Terry moved to reject the bill.

Which motion prevailed.

After some discussion, Mr. Terry, at the request of Mr. McCreery, moved to reconsider the vote rejecting the bill.

Which motion prevailed and the vote was reconsidered.

On motion of Mr. McColloch, the rules were suspended, the bill read the second time, by title, and referred to the committee on the judiciary.

House bill No. 206, to be entitled "an act to prevent the poisoning of fish in any of the lakes, waters or streams within the county of Columbia," was read the first time.

On motion of Mr. Carrigan, the rules were suspended, the bill read the second time, by title, and

On motion of Mr. President, it was referred to the committee on ways and means.

House bill No. 210, to be entitled "an act to raise the fees of jailors," was read the first time.

On motion of Mr. Pennington, the rules were suspended and the bill read the second time.

Mr. Clark offered to amend by inserting the words "for feeding prisoners," after the word "fees," in the first section of the bill—which amendment was adopted.

On motion of Mr. Clark, the bill was read the third time as amended and passed.

House bill No. 213, to be entitled "an act to amend an act to incorporate the town of Hamburg, in the county of Ashley, and State of Arkansas, approved 14th December, 1854, was read the first time.

On motion of Mr. McColloch, the rules were suspended and the bill read the second time.

Mr. McColloch offered to amend the bill by striking out all after the enacting clause, and inserting the following:

Sec. 1. *Be it enacted by the General Assembly of the State of Arkansas*, That the act to which this is an amendment, granting a charter of incorporation of the town of Hamburg, in Ashley county, Arkansas, be, and the same is hereby revived, with the following amendments.

Sec. 2. *And be it further enacted*, That the above referred to act be so amended as to read one half mile in each and every place of section 2, of said act, where it now reads one mile, and that it be further amended, so as to read one mile in each and every place where it now reads two miles.

Sec. 3. *And be it further enacted*, That section 5, of said act be so amended as to read "fifty-nine," instead of "fifty-five," and also in same section, so amended as to read "eighteen hundred and sixty" instead of "eighteen hundred and fifty-six," and that it also be so amended as to read "March" instead of February.

Sec. 4. *And be it further enacted*, That this act be in force from and after its passage.

Which amendment was read, and on motion of Mr. McColloch, adopted.

On motion of Mr. Gaines, the rules were suspended the bill read the third time as amended, and passed.

House bill No. 214, to be entitled "an act to increase the pay of the county and probate judge of the county of Benton, was read the first time.

On motion of Mr. Douglas, the rules were twice suspended, the bill read the second and third times and passed.

House bill No. 215, to be entitled "an act for the benefit [illegible] T. 12 S. R. 10 W. in the county of Bradley, State of Arkansas," was read the first time.

On motion of Mr. Gould, the rules were twice suspended, the bill read the second and third times, by title, and passed.

On motion of Mr. Douglas, Senate bill No. 70, to be entitled "an act to revive swamp land scrip, and to extend the time for locating the same," was taken up, and the amendment proposed thereto by the committee in the following words, was adopted, to-wit:

"*Provided*, That nothing in this act shall be so construed as to revive any of the old swamp land certificates issued by the board of commissioners."

On motion of Mr. Gaines, the bill was further amended by inserting "1858" in lieu of "1856," in the first section, and

On motion of Mr. Douglas the bill was read the third time as amended and passed.

Mr. Trimble, from the committee on enrollment, made the following

REPORT:

Mr. President—

The committee on enrollment did, on the 31st inst., hand to the governor, for his approval, House bill No. 226, entitled an act to change the time of electing a judge of the 5th judicial circuit of this state.

Also, House bill No. 55, to authorize the governor to have certain lands selected, and for other purposes.

Also, substitute for House bill No. 139, for the relief of Gray C. Brown, of Clark county, Arkansas.

Also, House bill No. 224, to authorize the governor to subscribe stock in certain railroads.

Also, House bill No. 108, for the relief of Ralph Arnold, late sheriff of Marion county, Arkansas.

Also, House bill No. 289, to enable Missouri F. Harris to become guardian of her minor children, and have instructed me to report the same.

J. S. TRIMBLE,
Chairman.

On motion of Mr. Floyd, the Senate took a recess until 2½ p. m.

2½ O'CLOCK, P. M.

The Senate met.

The roll was called by order of the President.

Present—Messrs. Carrigan, Clark, Craighead, Davies, Douglas, Floyd, Gould, Jones, Marshall, McCreery, McColloch, Mecklin, Pennington, Redmond, Rosson, Trimble, Watkins, Williams and Mr. President—19.

On motion of Mr. Mecklin, leave of absence was granted to Mr. Gaines, for the evening.

The House bills on first reading were resumed.

House bill No. 219, to be entitled "an act to aid the cause of education in Calhoun county, Arkansas," was read the first time.

On motion of Mr. McColloch, the rules were twice suspended, the bill read the second and third times, by title, and passed.

House bill No. 221, to be entitled "an act to grant a charter to Jonathan Hardin, to build a toll-bridge across Cadron creek, Conway county," was read the first time.

On motion of Mr. Rosson, the rules were twice suspended, the bill read the second and third times, by title, and passed.

House bill No. 222, to be entitled an act for the benefit of the Princeton Male and Female Academies, was read the first time.

On motion of Mr. Gould, the rules were twice suspended, the bill read the second and third times, by title, and passed.

House bill No. 223, to be entitled "an act to provide for making and repairing levees in Desha and Phillips counties, was read the first time.

On motion of Mr. Rosson, the rules were twice suspended, the bill read the second and third times, by title, and passed.

House bill No. 228, to be entitled "an act to authorize the county court of Arkansas county to levy a road tax, and for other purposes," was read the first time.

On motion of Mr, Clark, the rules were suspended, the bill read the second time, by title, and referred to the committee on the judiciary.

House bill No. 239, to be entitled "an act to incorporate the town of Madison, in St. Francis county," was read the first time.

On motion of Mr. Jones, the rules were suspended, the bill read the second time, by title, and

On motion of Mr. Gould, it was referred to the committee on the judiciary.

House bill No. 243, to be entitled "an act for the relief of the county scrip holders in Lafayette county," was read the first time.

On motion of Mr. Carrigan, the rules were twice suspended, the bill read the second and third times, by title, and passed.

House bill No. 246, to be entitled "an act to charter the Warren Male and Female Seminary," was read the first time.

On motion of Mr. Gould, the rules were twice suspended, the bill read the second and third times, by title, and passed.

House bill No. 248, to be entitled "an act to change the name of Maria McKinney, of Conway county, and make her the lawful heir of James N. Nicholas, of said county, was read the first time.

On motion of Mr. Trimble, the rules were suspended, and the bill read the second time, by title.

Mr. Rosson moved to refer the bill to the committtee on memorials.

Which motion was lost.

Mr. Watkins moved to refer it to the committee on enrolled bills.

Which motion was lost.

Mr. Davies moved to refer the bill to the committee on the penitentiary.

Which motion was also lost.

On motion of Mr. Trimble, the rules were suspended, the bill read the third time, by title, and passed.

House bill No. 245, to be entitled "an act to furnish the Arkansas reports to Searcy county, Arkansas," was read the first time.

On motion of Mr. Williams, the rules were suspended, and the bill read the second time, by title.

Mr. Clark offered to amend, as follows, to-wit:

"And also to furnish the county of Scott such copies of said reports as have not been furnished to that county heretofore, to be ascertained on the certificate of the clerk of said county."

Which amendment was adopted.

After some discussion, Mr. Gould moved to reconsider the vote, on the adoption of the amendment.

Which motion prevailed.

On motion of Mr. Clark, the rules were suspended, the bill read the third time, and passed without amendment.

Mr. Trimble, from the committee on enrollments, made the following

REPORT:

Mr. President—

The committee on enrollments have examined House bill No. 297, to change the time of holding the circuit courts in the county of Desha.

Also, House bill No. 115, in relation to minors, who have no guardians.

Also, House joint resolution No. 15, memorializing Congress to confirm certain land entries, and permit land in railroad reserves, to be entered at the graduated prices.

Also, Senate bill No. 36, entitled an act to incorporate the town of Hampton.

Also, Senate bill No. 52, entitled an act concerning the Cairo and Fulton railroad company, and its two branches.

Also, Senate bill No. 121, an act supplementary to an act to incorporate the town of Hampton.

Also, Senate bill No. 140, to distribute the new Digest of the Statutes of Arkansas.

Also, Senate joint resolution No. 19, relative to the monument fund in the treasury from Jefferson county; and have instructed me to report the same correctly enrolled.

J. S. TRIMBLE,
Chairman.

Which report was read and received.

On motion of Mr. Floyd, the Senate adjourned until 9 o'clock to-morrow morning.

THOS. FLETCHER,
President.

WEDNESDAY, *February* 2, 1859.

The Senate met pursuant to adjournment.

Prayer by Rev. A. H. Kenneday, chaplain.

Roll called.

PRESENT—Messrs. Askew, Carrigan, Clark, Craighead, Davies, Douglas, Floyd, Gaines, Gould, Jones, Marshall, McCreery, McColloch, Mecklin, Pennington, Redmond, Rosson, Stirman, Terry, Trimble, Watkins, Williams and Mr. President—23.

On motion of Mr. Gould, the reading of the journal of yesterday was dispensed with, and

On motion of Mr. Floyd, all other business was suspended, and the House bills on first reading were taken up.

House bill No. 132, to be entitled "an act to amend section third, of chapter 148, of Gould's Digest of the Statutes of Arkansas, in relation to state revenue," was read the first time.

On motion of Mr. Floyd, the rules were suspended, the bill read the second time, by title, and referred to the committee on ways and means.

House bill No. 174, to be entitled "an act amendatory of an act framed by the General Assembly of the State of Arkansas, approved January 7th, 1857, entitled 'an act to provide for raising and repairing levees in Chicot county,'" was read the first time.

On motion of Mr. Gaines, the rules were suspended, the bill read the second time, by title, and

On his further motion, it was referred to a select committee of three.

Mr. President appointed Messrs. Gaines, Carrigan and Pennington, such committee.

House bill No. 217, to be entitled "an act to incorporate the Arkansas Institute for the blind," was read the first time.

On motion of Mr. Pennington, the rules were twice suspended, the bill read the second and third times, by title, and passed.

House bill No. 220, to be entitled "an act to amend section 52, chapter 152, of Gould's Digest, under the caption of 'Schools and School Lands,'" was read the first time.

On motion of Mr. Pennington, the rules were suspended, and the bill read the second time, by title.

Mr. Davies moved a further suspension of the rules, but on motion of Mr. Rosson, the bill was referred to the committee on education.

House bill No. 241, to be entitled "an act to change the time of holding the circuit courts in Union and Sevier counties in the 6th judicial circuit of the State of Arkansas, and for other purposes," was read the first time.

On motion of Mr. McColloch, the rules were suspended, the bill read the second time, by title, and

On motion of Mr. Askew, it was referred to a select committee of three.

Mr. President appointed Messrs. Askew, McColloch and Carrigan such committee.

House bill No. 249, to be entitled "an act to amend the common school system for Drew, Franklin, Yell and Montgomery counties," was read the first time.

On motion of Mr. Gaines, the rules were suspended, the bill read the second time, by title, and referred to the committee on education.

House bill No. 250, to be entitled "an act to authorize the sale of certain lands, belonging to the estate of James M. Matlock, deceased," was read the first time.

On motion of Mr. Gould, the rules were suspended, the bill read the second time, by title, and referred to the committee on the judiciary.

House bill No. 253, to be entitled "an act to change the time of the meeting of the General Assembly of the State of Arkansas," was read the first time.

On motion of Mr. Gould, the rules were suspended, the bill read the second time, by title, and on his further motion, referred to the committee on elections.

House bill No. 255, to be entitled "an act to change the name of Sarah Jane Ellett to that of Sarah Jane Duncan, and make her an heir of Hiram Duncan and Phœbe Duncan, of Carroll county," was read the first time.

On motion of Mr. Watkins, the rules were suspended, the bill read the second time, by title, and

On motion of Mr. Carrigan, the rules were further suspended, the bill read the third time and passed.

House bill No. 258, to be entitled "an act for the relief of Urban E. Fort, late sheriff and collector of Independence county," was read the first time.

On motion of Mr. Trimble, the rules were suspended, and the bill read the second time, by title.

Mr. Davis moved to suspend the rules again, but, on motion of Mr. Rosson, the bill was referred to a select committee.

Mr. President appointed as such committee, Messrs. Trimble, Rosson and Marshall.

The following message was received from the House of Representatives, by their clerk:

Mr. PRESIDENT—

I am instructed to inform your honorable body that the House of Representatives have assented to the following Senate bills, viz:.

Senate bill No. 138, to be entitled " an act giving permission to county courts to employ county attorneys to protect the interest of their respective counties.

Senate bill No. 171, to be entitled " an act to incorporate the Jacksonport and Carrollton turnpike company."

Said two Senate bills are herewith returned.

The House of Representatives have amended and assented to Senate bill No. 6, to be entitled " an act to cause all school funds to be paid directly to the commissioners of common schools within the several counties."

Said bill is herewith returned, and the amendments transmitted for the concurrence of your honorable body, which is respectfully asked.

The House of Representatives have passed the following House bills, to-wit:

Engrossed House bill No. 156, to be entitled "an act to regulate the duties of the assignees of property, for the payment of debts."

No. 310, to be entitled "an act to incorporate the town of Clarendon in Monroe county, Arkansas."

No. 311, to be entitled "an act to authorize Canaan Brooks of Hempstead county to convey by deed, the right of dower of his wife Colburn Brooks in certain lands."

No. 312, to be entitled "an act to more fully define the duties of the several land agents of this State."

No. 313, to be entitled "an act to incorporate the Rescue fire company of Batesville."

No. 314, to he entitled "an act to increase the pay of the Associate Justices of the County Courts of Jackson, Pulaski, Poinsett and Lafayette counties."

Said six House bills are herewith transmitted for the assent of your honorable body, which is respectfully asked.

The House of Representatives have concurred in Senate amendment to House joint resolution to go into the election of an Associate Justice of the Supreme Court, on Saturday, February 5th, 1859.

S. M. SCOTT, *Clerk of*
House of Representatives.

House bill No. 260, to be entitled "an act to incorporate the Crooked Creek Male Academy, in the county of Marion," was read the first time.

On motion of Mr. Davies the rules were suspended, and the bill read the second time, by title.

Mr. Craighead moved to strike out the third section of the bill, which prohibits the sale of vinous or spirituous liquors within two miles of the Academy.

Which motion was lost.

On motion of Mr. Williams the rules were suspended, the bill read the third time, by title, and passed.

House bill No. 260, to be entitled "an act to compensate judges and clerks of Elections in the counties of Pope, Lafayette, Benton, Washington, Crittenden, Clark, Ouachita, Yell, White, Perry, Calhoun, Phillips, Union, Independence, Randolph, Greene, Ashley, Jackson, Dallas and Chicot was read the first time.

On motion of Mr. Davies, the rules were suspended, and the bill was read the second time, by title.

Mr. Douglas moved to strike out and exempt Benton county from the provisions of the bill.

Which motion was lost.

Mr. Redmond offered to amend the bill, by striking out the counties specified therein and inserting the words "the several counties of this State" in lieu.

Which amendment was,

On motion of Mr. Douglas adopted.

Mr. Askew moved to strike out the words "one dollar" in the first section of the bill, and insert "two dollars and a half" in lieu thereof.

Which motion was lost.

Mr. Floyd moved to insert "two dollars" in lieu of "one dollar."

Mr. Stirman offered to amend by saying "one dollar and a half," in lieu of "two dollars" which was accepted by Mr. Floyd and the vote being taken thereon the motion was lost.

On motion of Mr. Davies the bill was read the third time as amended and passed.

House bill No. 267, to be entitled "an act to amend the preemption laws of this State," was read the first time.

On motion of Mr. Pennington the rules were suspended the bill read the second time, by title, and

On motion of Mr. Floyd it was referred to the committee on swamp and overflowed lands.

House bill No. 269, to be entitled "and act to change the line between the counties of Polk and Montgomery;"

Which was read the first time.

On motion of Mr. Pennington the rules were twice suspended, the bill read the second and third times, by title, and passed.

House bill No. 271, to be entitled "an act for the relief of W. G. Murphy late sheriff of Randolph county," was read the first time.

On motion of Mr. Davies, the rules were twice suspended the bill read the second and third times, by title, and passed.

House bill No. 277, to be entitled "an act to incorporate the town of Burrowville in Searcy county, was read the first time.

On motion of Mr. Williams the rules were suspended, the bill read the second time, by title, and referred to a select committee of three.

Mr. President appointed as such committe Messrs. Williams, Douglas and Pennington.

House bill No. 275, to be entitled "an act to change the time of holding the probate court of Union county, was read the first time.

On motion of Mr. Askew, the rules were twice suspended, the bill read the second and third times, by title, and passed.

House bill No. 277, to be entitled "an act to confirm and legalize the sale of the sixteenth section in township five north, in range six west, and also the sixteenth section in township five north, in range eight west, all situated in the county of White, was read the first time.

On motion of Mr. McCreery, the rules were twice suspended, the bill read the second and third times, by title, and passed.

Mr. Gaines was called to the chair.

House bill No. 279, to be entitled "an act to aid in the construction of railroads in Pulaski county, Arkansas" was read the first time.

On motion of Mr. Terry, the rules were suspended, and the bill read the second time, by title.

Mr. Terry offered the following amendment to the bill; "A bill to be entitled an act to aid railroads in the State of Arkansas."

Amend first line of first section by inserting "courts" in the place of "court."

Amend second line of first section by striking out "Pulaski county is," and inserting "the several counties in this State are."

Amend fifth line by striking out "county," and inserting "counties."

Amend eighth line by striking out "court," and inserting "courts;"

And 1st line of second section by striking out "county court is," and inserting "county courts are."

Amend 7th line of 2nd section by striking out "said court," and inserting "any court."

Mr. Askew offered to amend the amendment by adding the following proviso to the first section of the bill:

Provided, further, That the vote shall be taken *viva voce* and those who vote in the affirmative shall pay the tax.

After some discussion Mr. Terry withdrew his amendments.

Mr. Askew insisted on his amendment.

Mr. Terry moved to postpone it indefinitely, and

Mr. Clark moved the previous question, which was sustained, and,

Mr. Askew, demanded the yeas and nays thereon, which demand was sustained and the roll called.

Yeas—Messrs. Carrigan, Clark, Floyd, Gould, Jones, McColloch, Pennington, Redmond, Rosson, Stirman, Terry, Trimble, Watkins, and Mr. President—14.

Nays—Messrs. Askew, Craighead, Davies, Douglas, Gaines, Marshall, McCreery, Mecklin, and Williams—9.

So the amendment was indefinitely postponed.

Mr. Terry moved to suspend the rules for the third reading of the bill, and

Mr. Floyd moved the previous question, which was stated as follows: "shall the main question be now put?" when Mr. Gaines demanded the yeas and nays thereon which demand was sustained and the roll called.

Yeas—Messrs Carrigan, Clark, Davies, Douglas, Floyd, Gould, Jones, McColloch, Mecklin, Rosson, Stirman, Terry, Trimble and Watkins—14.

Nays—Messrs. Askew, Craighead, Gaines, Marshall, McCreery, Pennington, Redmond and Mr. President—8.

So the question was stated from the chair, "shall the rules be suspended?" which was decided in the affirmative, and the bill read the third time, by title; when,

Mr. Terry moved the previous question on its passage, which was stated from the chair and decided in the affirmative, when

Mr. Askew called for the yeas and nays on the passage of the bill, which call was sustained and ordered.

Yeas—Messrs. Carrigan, Clark, Davies, Floyd, Gaines, Gould, Jones, McColloch, Mecklin, Pennington, Redmond, Rosson, Stirman, Terry, Trimble, Watkins and Mr. President—17.

Nays—Messrs. Askew, Craighead, Douglas, Marshall and McCreery—5.

So the bill passed.

House bill No. 281, to be entitled "an act for the amendment of the charter of the City of Little Rock;" was read the first time.

On motion of Mr. Terry, the rules were twice suspended, the bill read the second and third times, by title, and passed.

On motion of Mr. Clark, Senate bill No. 54, which was reported by the committee on the landed interests of the State, was taken up and made the special order of to-morrow morning, at 10 o'clock.

Mr. Redmond offered the following

RESOLUTION:

Resolved, That the use of the Senate chamber be tendered the Independent Order of Odd Fellows, of the City of Little

Rock, on the evening of the 9th inst., for the purpose of giving a party.

Which was read, and

On motion of Mr. Redmond, adopted.

Mr. Craighead moved that the Senate adjourn until 10 o'clock, to-morrow morning.

Which motion was lost, and

On motion of Mr. Floyd the senate took a recess until half past two o'clock, p. m.

2½ O'CLOCK, P. M.

The Senate convened,

And the roll was called by order of the president.

PRESENT—Messrs. Askew, Carrigan, Clark, Craighead, Davies, Douglas, Floyd, Gaines, Gould, Jones, Marshall, McCreery, McColloch, Mecklin, Pennington, Rosson, Terry, Trimble, Watkins, Williams and Mr. President—21.

Mr. Gould asked leave to have his vote on the passage this morning of the bill to "aid in the construction of railroads in Pulaski county," changed from the affirmative to the negative.

Which was granted.

Mr. Williams not being present when the vote was taken on the passage of said bill, asked to have his vote recorded in the negative.

Which was granted, when the vote stood on the passage of the bill, yeas 16, and nays 7.

House bills on the first reading were resumed.

House bill No. 156, to be entitled "an act to regulate the duties of the assignees of property for the payment of debts," was read the first time.

On motion of Mr. Clark, the rules were suspended, the bill read the second time by title, and referred to the committee on the judiciary.

House bill No. 285, to be entitled "an act to repeal an act, approved 30th November, 1854, entitled an act authorizing the sale of the 16th section, T. 6 N. R. 9 E. in Crittenden county," was read the first time.

On motion of Mr. Clark, the rules were suspended, the bill read the second time, by title, and referred to the committee on the judiciary.

House bill No. 286, to be entitled "an act to authorize and require the common school commissioners of Monroe county, to sell section 16, T. 1 S. R. 2 W. of the 5th principal meridian," was read the first time.

On motion of Mr. Floyd, the rules were suspended, the bill read the second time, by title, and referred to the committee on education.

House bill No. 288 to be entitled "an act to change the time of holding the county court of Arkansas county," was read the first time.

On motion of Mr. Watkins, the rules were twice suspended, the bill read the second and third times, by title, and passed.

House bill No. 290, to be entitled "an act to charter St. Charles' academy," was read the first time.

On motion of Mr. Clark, the rules were suspended, the bill read the second time, by title, and

On motion of Mr. Terry, the rules were further suspended—the bill read the third time, by title, and passed.

House bill No. 292, to be entitled "an act concerning grand and petit jurors in the counties of Crittenden, Lafayette, Hot Spring, Chicot, Polk, Prairie, Jackson, Calhoun, White, Clark, Madison, Ouachita, Union, Phillips, Montgomery and Scott," was taken up and read the first time.

On motion of Mr. Clark, the rules were suspended and the bill read the second time, by title.

On motion of Mr. Douglas, the county of Madison was stricken out of and exempted from the provisions of the bill.

Mr. Rosson moved the indefinite postponement of the bill, on which motion Mr. Pennington called for the yeas and nays, which call was sustained and ordered.

Yeas—Messrs. Clark, Douglas, Floyd, Gould, Jones, Marshall, Mecklin, Redmond, Rosson, Terry, Watkins, Williams and Mr. President—13.

Nays—Messrs. Carrigan, Craighead, Davies, Gaines, McCreery, McColloch, Pennington and Trimble—8.

Mr. Askew asked to be and was excused from voting.

So the bill was indefinitely postponed.

The following message was received from the governor:

Executive Office,
Little Rock, Arkansas,
2d February, 1859.

To the President of the Senate of the
General Assembly of the State of Arkansas:

For the information of the Senate, I transmit herewith a copy of the "proceedings of the annual meeting of the stockholders of the Mississippi, Ouachita and Red river railroad company, held in Camden, Arkansas, on the 24th day of November, 1858," embracing the reports of the president, chief engineer and secretary and treasurer of the company.

This document contains information relative to the progress and prospects of this important road, which can not fail to be interesting to friends of internal improvements in our state.

ELIAS N. CONWAY.

PROCEEDINGS.

At the annual meeting of the stockholders of the *Mississippi, Ouachita and Red River railroad company*, held in Camden, Arkansas, on the 24th day of November, A. D. 1858, the following proceedings were had:

On motion, Charles McDermott was called to the chair, and Jas. Thos. Elliot, appointed secretary.

The reports of the president, chief engineer, and secretary and treasurer, were called for.

John Dockery, president, asked for further time to submit his report, on account of not having the reports of the different officers before him, on which to base the same.

Lloyd Tilghman, chief engineer, was also granted further time to make his report.

The report of the secretary and treasurer was read and received.

The meeting then adjourned, for the purpose of giving the stockholders present an opportunity of voting for, or choosing their directors for the ensuing year.

ADJOURNED MEETING.

5 o'clock, P. M.—Present, former chairman and secretary.

The commissioners appointed to hold the election for directors, submitted the following named persons, who were elected as directors for the ensuing year, viz:

Lewis B. Fort, Henry M. Lemay, W. L. Sommerville, Thos. J. Watts, Peter McCollum, Samuel Halley, Wm. M. Harrison, Charles McDermott, James A. Jones, John Dockery, W. D. Trotter and Peter K. Rounsaville.

J. S. H. RAINEY,
CHARLES McDERMOTT,
ISAAC H. PENNINGTON,
Commissioners.

JOHN R. FELLOWS,
HENRY JAMES,
Clerks.

On motion of P. K. Rounsaville, esq., five hundred copies of the reports of the president, chief engineer, and secretary and treasurer, were ordered to be printed for general distribution.

On motion of John N. Daly, esq., the commissioners appointed to hold the election for directors, and the clever gentlemen who assisted them, as clerks, were discharged, with the thanks of the meeting, for the faithful manner in which they had performed the duties imposed upon them.

CHARLES McDERMOTT,
President.

JAS. THOS. ELLIOTT,
Secretary.

REPORT OF THE PRESIDENT.

OFFICE OF THE M. O. & R. R. Co.,
Camden, Ark., Nov. 23, 1858.

To the stockholders of the M. O. & R. R. Railroad Company

Gentlemen—I have the honor of offering for your consideration the fifth annual report of the condition of the affairs of your company. Since I last had the pleasure of addressing you, the great enterprize in which we are engaged has had difficulties of a serious and embarrassing nature to encounter.

Two years since when I retired from the position of your body, I left the company in a high state of prosperity, and enjoying to a large extent the confidence of the people of our own state, as well as abroad. I returned by a call of your company, in February last, to find the enterprise languishing, enfeebled, and crippled in nearly every essential part, and the confidence which the community had hitherto extended to it, gone. As to the causes which led to this condition of things, it is unnecessary here to speculate. It was only necessary for us to know, at that time, that they existed, and to provide immediate remedies for their removal and cure. I am now happy to announce to your body that the prospects for the success of the enterprise are established beyond a doubt, by the near completion of that span of your road from the Mississippi river across the bottom, a distance of twenty-two and a half miles, and a contract has been entered into with an iron company in Kentucky to furnish the iron for that division of your road, one-fourth of which will be delivered in December ensuing. For further particulars in the construction department, I refer you the report of the company's chief engineer.

It may be well briefly to allude to the assets which the road can soon make available in advancing it to completion. The amount at present due the company, over its liabilities, is two hundred and nineteen thousand, seven dollars and forty-two cents. We may well suppose that so soon as the iron is laid across the first span, affording to the stockholders some tangible evidence that the road will be built, that a new impulse will be given to the enterprise. The cry that the road can not be finished, will have lost its power, confidence be at once completely re-established and the reasons that have hitherto operated to retard the payment of the above mentioned amount on the part of those owing it, will no longer exist, and this money will begin rapidly to flow into your treasury. And the completion of this first span of your road will immediately afford another fruitful source of revenue by bringing into market that valuable donation of real estate at the eastern terminus of your road, and which doubtless is apparent to all, will be sufficient to complete a further span of twenty miles, even at its lowest estimated value. But I deem it unnecessary to touch further upon this, and the valuable donations at Camden and the terminus of your road on Red river, as you are all doubtless sufficiently acquainted with the previous reports to enable you to appreciate all the facts connected with this matter.

For further details of the financial condition of your company, I beg leave to call your attention to the explicit report of the secretary and treasurer.

At the beginning of this enterprise the thirteen counties interested in its success, had taxable property to the amount of thirteen millions of dollars. By reference to a recent report of the auditor of your state, it will be seen that the same counties now have taxable property amounting to thirty-one millions, which doubtless suggests to every mind the ample ability of the country to complete the enterprise without the slightest burthen to any individual.

It is confidently believed that if the rule of the charter be applied during the ensuing year to the non-paying stockholders on the last twenty-five per cent. in lieu of bringing suits, that the company will be relieved of many of its embarrassments, by getting rid of those who from some cause dissatisfied with the company, and it will be easier to obtain the aid of five new subscribers than to restore confidence in one disaffected.

In conclusion, I appeal to the people interested in the building of this road, to come forward in each county and memorialize the present legislature to pass an enabling act, subject to the ratification of the people—they can reject it and no harm will be done. It will be nothing more than subscribing for stock as a county or individuals, as determined on by the people, and the thing will work light on all, and all receive the benefit flowing from the construction of the road. Those who took stock at the beginning, done so to give the road a start, expecting those interested would come forward and give endorsement, and as they have done nobly, I call on you to act now when you can do it safely; and act with the liberality your interest demands.

All of which is respectfully submitted.

JOHN DOCKERY,
President M. O. & R. R. R.

REPORT OF THE CHIEF ENGINEER.

ENGINEER'S OFFICE OF THE M. O. & R. R. R. Co.
Camden, Arkansas, November 10th, 1858.

To the President and Directors of
M. O. and R. R. R. R. Co.:

GENTLEMEN—It again becomes my duty to lay before you this brief statement of the affairs of my deparment during the past year; and in doing so, I shall refrain from any recapitulation of its operations, previous to our last meeting. A reference to my former reports will be sufficient to give ample information on all points connected with the construction of your road through its various stages. Each report, in its turn, gave a faithful exhibit of the condition of the work, as well as an opinion as to its probable progress. These opinions were based upoh a full knowledge of what *could* be done by myself, and those serving, both as contractor's and engineer's under me; *provided*, the means for prosecuting the work were placed at my disposal. My hopes on that point were disappointed. My ability to make good my promises, crippled, and in defence of my reputation, I have but to point to these facts to relieve me from any charge of giving too high a coloring to the condition and prospects of our road. At times, when overpowered by protestations of good feeling and ability on the part of many of those whose duty and interest it was to give that material aid, upon which all promises were based, I was induced to confide too much in them.

The work of construction on the first space, across the Mississippi bottom, has progressed steadily, but only so fast as I could procure the means to pay for the same. Without going into unnecessary details, I have the pleasure of saying that our work is in such a condition, that so far as the local work is concerned, we can commence track-laying by the first of January next, and progress steadily to the Cut-off.

The superstructure once commenced, ninety days of working time will carry it to the Cut-off hills.

For a full understanding of the details of my office, as regards construction, expenditures, contracts for iron, bolts, spikes, cars, etc., I refer you to official papers on file at the secretary's office.

Respectfully submitted,
LLOYD TILGHMAN,
Chief Engineer.

REPORT OF THE SECRETARY AND TREASURER.

Office of the Secretary and Treasurer,
of the M. O. and R. R. R. R. Company,
Camden, Arks., November 10, 1858.

To the President and Board of
Directors of said Company:

Gentlemen—I have the honor to submit to your consideration, the following report of the affairs of this company, for the year ending as above:

ASSET ACCOUNT.

Nov. 10.	Amount as per last report		$901,617 48

INVESTED IN ROAD.

Nov. 10.	Amount as per last report,	$261,610 77	
Nov. 10.	Amount since	20,930 52	
Nov. 10.	Amount uninvested to balance	619,076 19	
			$901,617 48

AMOUNT DUE ON CALLS.

Nov. 10.	To amount as per last report of 1–7 calls, 75 per cent	$181,887 50
Nov. 10.	To amount 8th and last call of 25 per cent	116,225 00
		$298,112 50

AMOUNT PAID ON ABOVE.

Nov. 10.	To amount paid on calls,	$29,493 19	
Nov. 10.	To amount paid on bills receivable	7,495 83	
Nov. 10.	To am't due to balance	261,123 48	
			$298,112 50

AVAILABLE ASSETS DUE.

Nov. 10.	To amount due on calls to date	$261,123 48
Nov. 10.	To amount due on bills receivable	6,975 87
Nov. 10.	To amount due on Camden scrip	250 00
Nov. 10.	To amount due from sundry parties	684 34
Nov. 10.	To amount due from treasury	1,170 73
		$270,204 42

LIABILITIES.

Nov. 10.	To amount due contractors	$5,113 17	
Nov. 10.	To amount due officers	10,671 03	
Nov. 10.	To amount due contingent account	569 80	
Nov. 10.	To amount requisitions outstanding	8,292 36	
Nov. 10.	To amount in hands of contractors	25,550 81	
Nov. 10.	To amount to balance	259,997 25	
			$270,204 42

CASH RECEIPTS.

Nov. 10.	To amount cash on hand, as per last report	$ 1,065 96
Nov. 10.	To amount since then on Camden scrip,	400 00
Nov. 10.	To amount since then in interest	1,858 86
Nov. 10.	To amount from stockholders on bills receivable and calls	29,493 19
		$32,818 01

CR:

CASH EXPENDITURES.

Nov. 10.	By amount of requisitions redeemed	$ 5,875 20	
Nov. 10.	By amount paid contingent account	823 85	
Nov. 10.	By amount paid officers,	10,190 36	
Nov. 10.	By amount paid contractors	13,322 66	
Nov. 10.	By amount paid interest,	1,270 17	
Nov. 10.	By amount cash loaned.	30 00	
Nov. 10.	By amount returned draft not paid, originally charged as cash receipts	135 04	
Nov. 10.	By amount in treasury to balance	1,170 73	
			$32,818 01

It will be seen from the above, that the sum of $20,930 52 has been expended in the road since the last annual report, the larger portion of which was expended upon the work of construction in the Mississippi bottom. The last and final call for all the stock subscribed, is not due until the first of December next; but for the purpose of showing the actual available assets of the company, I have included the same in this report.

The condition of the road through the Mississippi bottom, and the favorable prospects of getting iron for the first section through the same, are fully defined in the report of the chief engineer; this much I will say, that if stockholders will only come forward, and pay twenty per cent. upon the amount now due from them, the cars will be running on twenty miles of the road in less than eight months from this date. This certainly is, or should be, a strong inducement to all parties concerned, to lay aside their prejudices, and come forward with willing hearts and hands, and assist us in pushing to completion an enterprise of so much importance to the southern portion of our state. We have been working and delving for several years against the strongest kind of dissatisfaction and opposition, but all this appears to be gradually giving away, as the time approaches for the consumation of our cherished hopes. Then let "by-gones be by-gones," and let us all unite as one man, put our shoulders to the wheel, give a strong push, a long push, and a push altogether, until we hear the shrill scream of the steam whistle from a locomotive in our midst.

The liabilities of the company have been considerably decreased since my last report. Of the amount due contractors, $5,113 17, the greater portion has been paid since making out this report.

Requisitions have been issued since last report, amounting to $7,908 04, over $7,000 of which have been issued to officers of the company.

The amount stated as in the hands of contractors, is thus: The amount, $25,550 81, is due contractors, but they are indebted to the company for calls upon their subscribed stock, in some instances, in a much larger sum than their credits amount to—contracts being taken by them for the purpose of working out the amount of their stock subscriptions, and credits being given them according to estimates returned by the chief engineer, quarterly. The amount *in their hands*, as will be perceived by this report, is less than it was in the last report, from this fact, that settlements have been made, except for the above amount. Therefore, we safely and truly, set down the actual liabilities of the company to be, including interest due on bonds, ($2,500,) at $27,156 36.

Instead of stockholders grumbling and refusing to pay their calls, with such facts, and prospects of the early completion of their road, as the above statement shows, staring them in the face, it appears to me, that it should be gratifying to them to find the affairs of the company in such a good condition, and operate as a powerful incentive upon them to come forward, like men consulting their own interests, and promptly meet the demands made upon them as stockholders. Do this, and they will soon cease to grumble, as we will show them the practical effects of the performance of their duty. Do, as heretofore done, and we will still have to grind on at a snail's pace, both in dragging the dollars out of their pockets by law, and in the progress of their road. The people on the eastern division of the road are alive upon the subject, and are making laudable and praiseworthy efforts to bring the road through the bottom, and on through Drew and Bradley counties. For a more extended notice of the feelings of the people on this portion of the work, I refer you to the president's report.

Let us not only admire the disposition of our eastern friends, but emulate their laudable example and praiseworthy efforts, and with such a resolve and determination, we are bound to succeed; therefore, if you wish us to succeed, come forward and aid us with your money, influence and advice.

Previous to concluding this report, I will state, that suits have been brought on about $90,000 of calls on stock due the company including interest. There have been judgments obtained for about $15,000, but in almost every instance, the claims are strongly defended; and even after obtaining judgment before the circuit courts, in almost every case, an appeal is taken to the supreme court; therefore, we cannot, at present, look for any money from this source; our only chance is from those old stand-by's and devoted friends of this enterprise, to come forward and assist us in raising the small amount needed to complete, iron and equip, and put in running order the first section of twenty miles. That they will do so, I have not the least doubt. With this twenty miles in operation, we will not lack for friends. You will find plenty of persons that are surprised that they never could see into the matter before, who are then ready and willing to lend a helping hand.

In the administration of the affairs of this company, it is presumable that the officers have in view the direct interest of the same, and will zealously and carefully defend that interest; but in so doing it is expected and believed that the directors will also sustain and support them in their effort. This has ever been the case, and I hope will continue so to be. Without this, our road would never have reached the position it now occupies, and a division now would alike prove fatal to our cherished hopes. I have no past or present cause for these remarks; but "fore-warned, fore-armed." Therefore, let us continue to pursue the same undeviating course that the past has laid out for us, and adopt as our motto, "united we stand, divided we fall," and all will be well.

Respectfully,
J. T. ELLIOTT.

LIST OF OFFICERS FOR THE ENSUING YEAR.

CHARLES McDERMOTT, *President.*
LLOYD TILGHMAN, *Chief Engineer.*
JAS. THOS. ELLIOTT, *Secretary and Treasurer.*

House bill No. 295, to be entitled "an act to limit the pay of witnesses in criminal cases," was read the first time.

Mr. Terry moved to reject the bill.

Which motion was lost, and

On motion of Mr. Floyd, the rules were suspended, the bill read the second time, by title, and

On motion of Mr. Rosson, it was referred to the committee on the judiciary.

House bill No. 296, to be entitled "an act to define a portion of the line between the counties of Pope and Van Buren," was read the first time.

On motion of Mr. Floyd, the rules were suspended, the bill read the second time, by title, and referred to the committee on counties and county lines.

House bill No. 298, to be entitled "an act more fully to define the meaning of section 23, chapter 68, of Gould's Digest," was read the first time.

On motion of Mr. Rosson, the rules were suspended, and the bill read the second time, by title.

Mr. Rosson moved to amend by inserting the words "and, also, a pair of Shanghai chickens," among the articles to be exempted from execution.

On motion of Mr. Watkins, the bill and amendment were indefinitely postponed.

House bill No. 299, to be entitled "an act to constitute Mary L. Wyatt a lawful heir of William Wyatt, and for other purposes," was read the first time, and

On motion of Mr. Terry, the bill was rejected.

House bill No. 300, to be entitled "an act to incorporate the town of Hopefield, in Crittenden county," was read the first time.

On motion of Mr. Craighead, the rules were suspended, the bill read the second time, by title, and

On motion of Mr. Askew, the rules were further suspended, the bill read the third time, by title, and passed.

House bill No. 301, to be entitled "an act to prevent the sale of school lands in certain cases," was read the first time.

On motion of Mr. Clark, the rules were suspended, the bill read the second time, by title, and referred to the committee on education.

House bill No. 302, to be entitled "an act establishing a state road," was read the first time.

On motion of Mr. Carrigan, the rules were twice suspended, the bill read the second and third times, by title, and passed.

House bill No. 303, to be entitled "an act to incorporate the trustees of the Magnolia Female Institute," was read the first time.

On motion of Mr. Floyd, the rules were suspended, and the bill read the second time, by title.

On motion of Mr. Davies, the rules were further suspended, the bill read the third time, by title, and passed.

House bill No. 307, to be entitled "an act to provide for the election of tax assessors in and for the counties of Ashley, Poinsett, White, Crittenden, Washington, Franklin and Scott, in the State of Arkansas," was read the first time.

On motion of Mr. Clark, the rules were suspended, and the bill read the second time, by title.

On motion of Mr. Clark, the county of Scott was stricken out of, and exempted from the provisions of the bill.

On motion of Mr. Floyd, the bill was read the third time, by title, as amended, and passed.

House bill No. 310, to be entitled "an act to incorporate the town of Clarendon, in the county of Monroe," was read the first time.

On motion of Mr. Redmond, the rules were twice suspended, the bill read the second and third times, by title, and passed.

House bill No. 311, to be entitled "an act to authorize Canaan Brooks, of Hempstead county, to convey, by deed, the right of dower of his wife Coleburn Brooks, in certain lands. was read the first time.

On motion of Mr. Carrigan, the rules were suspended, and the bill read the second time, by title, and

On motion of Mr. Rosson, it was indefinitely postponed.

House bill No. 312, to be entitled "an act more fully to define the duties of the several land agents in this state," was read the first time.

On motion of Mr. Rosson, the rules were suspended, and the bill read the second time, by title.

Mr. Floyd moved to refer the bill to the committee on swamp and overflowed lands.

Which motion was lost; and,

On motion of Mr. Rosson, the rules were further suspended, the bill read the third time, by title, and passed.

House bill No. 313, to be entitled "an act to incorporate the Rescue Fire Company of Batesville," was read the first time.

On motion of Mr. Trimble, the rules were twice suspended, the bill read the second and third times, by title, and passed.

House bill No. 314, to be entitled "an act to increase the pay of the associate justices of the county courts of Jackson, Pulaski, Poinsett and Lafayette counties," was read the first time.

On motion of Mr. McCreery, the rules were suspended, and the bill read the second time, by title.

Mr. Carrigan moved to refer the bill to the committee on the judiciary; but, before the question was put, he gave way to Mr. Terry, on whose motion the Senate adjourned until 9½ o'clock to-morrow morning, after receiving the following report from Mr. Trimble, from the committee on enrolled bills:

Mr. President—

The committee on enrollments have examined Senate bill No. 59, entitled an act to authorize the county and probate judge of white county to transcribe certain records.

Also, Senate bill No. 21, entitled an act to change the time of holding the county and probate courts of Independence county.

Also, House bill No 105, to incorporate the city of Arkadelphia.

Also, House bill No. 131, to amend section eight of an act to incorporate the town of Clinton.

Also, substitute for House bill No. 136, prohibiting the emancipation of slaves.

Also, House bill No. 158, authorizing the clerks of the counties of Izard and Carrroll to burn certain election returns and cancel county scrip in their respective offices; and have instructed me to report the same correctly enrolled.

J. S. TRIMBLE,
Chairman.

THOS. FLETCHER,
President.

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THURSDAY, *February* 3, 1859.

The Senate met pursuant to adjournment.

Prayer by the chaplain.

Roll called:

PRESENT—Messrs. Askew, Carrigan, Clark, Craighead, Davies, Douglas, Floyd, Gaines, Gould, Jones, Marshall, McCreery, McColloch, Mecklin, Pennington, Redmond, Rosson, Stirman, Terry, Trimble, Watkins and Mr. President—22.

The journal of yesterday was read, approved and signed.

The following message was received from the House of Representatives by the clerk:

Mr. PRESIDENT—

I am instructed to inform your honorable body that the House of Representatives have passed the following House bills, to-wit:

No. 190, to be entitled "an act to amend section 46, of chapter 148, of the Digest of the Statutes."

No. 177, to be entitled "an act for the relief of Benjamin Vaughan, of Madison county."

No. 209, to be entitle "an act for the relief of Wm. J. Parks."

No. 315, to be entitled "an act for the benefit of Mrs. Stevenson."

No. 316, to be entitled "an act in relation to surveying."

No. 230, to be entitled "an act for the relief of John R. Titsworth and John Titsworth, and for other purposes."

No. 242, to be entitled "an act to extend the time of locating swamp and overflowed land scrip."

No. 319, to be entitled "an act to grant a charter to David Hamiter to build a toll-bridge across Walnut Bayou, in Sevier county."

No. 180, to be entitled "an act to authorize an infantry volunteer company to organize in the city of Camden."

No. 62, to be entitled "an act to regulate the fees of attorneys for the state, and for other purposes."

No. 254, to be entitled "an act to exempt Benton, Crawford and Sebastian counties from a certain act."

No. 317, to be entitled "an act to amend an act entitled 'an act to authorize the county courts of Jackson, Crawford, Pope, Lafayette, Phillips, Crittenden, Monroe, Columbia and Pulaski, to levy a road tax, and for other purposes, approved 19th January, 1855,' so far as Phillips county is concerned, and for other purposes."

No. 203, to be entitled "an act to legalize the sale of fractional section 16, in township 15, south of range 25 west, in Lafayette county."

No. 318, to be entitled "an act for the relief of Jacob Hengz."

Said 14 bills are herewith transmitted for the assent of your honorable body, which is respectfully asked.

The House of Representatives have assented to the following Senate bills, to-wit:

No. 75, to be entitled "an act enabling the county courts of the counties of Union and Calhoun to reduce the per centum of county taxes."

No. 74, to be entitled "an act to authorize the clerks of Greene and Poinsett counties to transcribe certain records."

No. 63, to be entitled "an act for the relief of sheriffs and tax collectors."

No. 40, to be entitled "an act to authorize the clerks of the circuit courts of the several counties of this state to issue subpœnas in vacation for witnesses to appear before the grand jury."

No. 96, to be entitled "an act to incorporate the Hampton Male and Female Academies."

No. 87, to be entitled "an act to legalize the sale of the 16th section, in township nineteen, north of range seven east in Greene county."

No. 79, to be entitled "an act to authorize the several county courts to examine, and cause to be burned, all old scrip and ballots on the files in the respective clerks offices."

No. 82, to be entitled "an act to retrocede to the counties of Bradley and Union the overflowed territory below the mouth of the Moro creek."

No. 99, to be entitled "an act to charter the Pacific Telegraph Company."

No. 64, to be entitled "an act for the relief of William H. Lefler."

Said eleven Senate bills are herewith returned.

The House of Representatives have assented to and amended Senate bill No. 69, to be entitled "an act to change the names of Purdy Ann Parker, Martha Jane Parker, Calvin Parker, Augustine H. Parker, and Samuel Jasper Beck Parker, of Yell county."

Also, amended and assented to Senate bill No. 100, to be entitled "an act to authorize the clerks of courts for all the counties in this State, to transcribe marriage records when necessary."

Said two bills are herewith returned and the amendments transmitted for the concurrence of your honorable body; which is respectfully asked.

The House of Representatives have concurred in the following Senate joint resolutions to wit:

No. 21, No. 22, No. 24, No. 25; said joint resolutions are herewith returned.

The House of Representatives have substituted and concurred in Senate resolution, No. 28.

Said substitute is herewith transmitted for the concurrence of your honorable body, which is respectfully asked.

The House of Representatives, have refused to concur in Senate joint resolution No. 23, which is herewith returned.

The House of Representatives have refused to assent to Senate bill No. 72, entitled "an act to vest in county courts, of the several counties of this State, authority to regulate the rate of toll which may be charged by the owners or occupants of mills grinding grain;" which is herewith returned.

The House of Representatives have adopted the following joint resolutions, to-wit:

No. 55, relative to a mail route from Van Buren to Three Forks, in the Creek Nation.

No. 58, relative to mail route in Searcy county.

No. 56, relative to having the city of Napoleon declared a port of entry.

No. 57, relative to the funeral expenses of the late Hon. John H. Torbett.

Said resolutions are herewith transmitted for the concurrence of your honorable body, which is respectfully asked.

The House of Representatives have amended and assented to senate bill No. 10, to be entitled an act to relieve certain purchasers of land from the State.

Said bill is herewith returned and the amendment transmitted for the assent of your honorable body, which is respectfully asked.

S. M. SCOTT, *Clerk of*
House of Representatives.

On motion of Mr. Douglas the following amendment to senate joint resolution No. 28, was taken up, and read, to-wit:

Resolved by the General Assembly of the State of Arkansas, That the sum of three hundred and three dollars and fifty cents be and the same is hereby appropriated out of any unappropriated funds in the treasury to pay the funeral transit and burial expenses of the Hon. B. H. Smithson, deceased, late senator from the county of Washington, and that the Hon. Wm. T. Neal is hereby authorized to draw and disburse the same as follows, to-wit:

To Hon. Thos. Quarles the sum of	$17 00
" " Marshal Douglas,	27 50
To James Henkle,	60 00
To Dr. Peyton,	10 00
To Hon. Thos. Wilson,	17 00
To Hon. Wm. T. Neal,	62 00
To Jacob Herrgen, (for music,)	30 00
To Myers, (barber,)	5 00
To F. J. Ditter,	75 00
	$303 50

And that the Auditor issue his warrant upon the Treasurer for the sum of three hundred and three dollars and fifty cents.

On motion of Mr. Douglas the amendment was concurred in by the Senate.

Mr. Clark, from the committee on the landed interests of this State made the following

REPORT:

Mr. PRESIDENT—

The committee on the landed interests of this State have further considered of the matters that came before them, and beg leave further and finally to report:

The area of the State of Arkansas, is 52,198 square miles, exclusive of rivers, lakes and meandered streams. The whole number of acres is 33,406,720. These have been partially disposed of as follows:

Sixteenth sections granted to the State,	932,540
Granted to deaf and dumb asylums	2,097
Granted for internal improvements	500,000
Granted to individuals and companies	139,366
Granted to the State for public buildings	10,600
Granted for seminary purposes	46,080
Granted for military services to individuals	1,451,433
Granted for salines	46,080
Sold by the U. S., up to June 30, 1857	4,744,892
Estimated and sold since	260,000
Private claims confirmed	118,451
Swamp lands confirmed	6,135,060
Selected by the State and reported by the surveyor general as swamp land and recommended for confirmation	1,616,164
Selected swamp lands which will be confirmed under late decision of Secretary of Interior and selections made since May, 1857	5,000,000
Total	21,022,763

If we add to this 2,107,939 acres granted to the railroads in this State, of which 1,465,297 acres have been selected, we have the following statement:

Whole number of acres in the State	33,496,720
Disposed of by the U. S.	23,130,702
Still owned by U. S.	10,276,918

By which it appears that over two-thirds of the lands in the State are sold or granted by the general government.

Of the lands belonging to the State she has disposed of lands granted for specific purposes, 1,071,471 acres—and of the swamp lands, 3,691,753. Of the twenty-one millions, twenty-two thousand, seven hundred and sixty-three acres disposed of by the general government, which does not include the grants to railroad companies, the State owns, in round numbers, including the lands favorably reported for confirmation as swamp lands, 4,640,471. The late decision of the Secretary of the Interior will increase this number. This leaves 11,382,292 acres owned by somebody. In 1858, there were on the tax-books 7,811,858 acres. Deducting from this last sum those on the tax-books twice and otherwise erroneously, and adding those covered by town and city lots, we have, at the lowest calculation three and a half millions of acres, of land in the State of Arkansas subject to taxation, that are permitted to go untaxed. Some of these, there is every reason to believe, are among the most valuable lands in the State, were entered or located fifteen or twenty years ago and have never been taxed. Assuming the average value of these lands at five dollars an acre, and admitting that three millions of acres only are untaxed, we have the enormous sum of fifteen millions of dollars worth of property that is not taxed.

The facts and figures, in themselves indisputable, are corroborated by other facts. Every day tracts of land are discovered to have been omitted from the tax-books, and lists are yearly sent out for taxation with back tax from one to twenty-five years.

Your committee were in hopes to be able to report the number of acres in the sixteenth sections sold and unsold throughout the State. The means of ascertaining the exact number of acres sold are not within the reach of the committee though, in the calculations made, the committee have assumed the number of acres sold to be, 50,000. This amount is predicated on information received from the Secretary in the following reply to a note directed to him by the committee:

OFFICE OF SECRETARY OF STATE,
Little Rock, *December* 6, 1858.

Messrs. Clark and McCammon, Ch'm etc:

In answer to your inquiry, I have the honor to state, that there have been 30,995 acres of the common school land (16th sections) patented by the State under the present law. The committee is no doubt aware that the counties of Pulaski, Fulton, Marion, Searcy, Bradley and Van Buren, are exempt from the operation of the general school law. The amount of land sold in these counties, I have no means of ascertaing; besides there must have been a considerable amount of the school lands sold previous to the organization of the present common school system, of which likewise I have no knowledge.

Respectfully,
D. B. GREER,
Secretary of State.

Upon examination of the records connected with the sales of lands for taxes, and those forfeited to the State, we found three of those in the Auditor's office, coming to pieces, and so worn by the daily handling of them as to be unsafe. These are the foundation of the evidence of title to thousands of tracts of lands, and their preservation is a matter of supreme importance. The committee think it unnecessary to do more than state the facts and present the accompanying bill, to be entitled "an act to authorize the transcribing of certain records in the Auditor's office and to make appropriation therefor."

As a matter of much importance to and connected with the landed interests of this State, the committee present and call attention to the following facts connected with the lands belonging to or mortgaged to the State or to the Real Estate Bank.

The General Assembly of this State by the 13th section of the act approved, January 10, 1851, enacted

"That no tax title shall be valid or binding against the equitable or legal interest of the State, in or to any real estate whatever, but such tax titles are and shall be void, so far as the same shall conflict with the interest of the State and shall be treated and considered as null and void in both law and equity, in all courts of this State."

Notwithstanding this, the supreme court of this State, at the January term, 1857, in the case of Biscoe et al. vs. Coulter et al., (18 Ark. Reports, 423,) decided that the sale of land for non-payment of taxes, passed an absolute title to the purchaser, and that the State thereby lost the benefit of her mortgage. In delivering the opinion of the court, the Chief Justice said:

" Waiving any question as to the power of the legislalure to exempt particular lands from taxes, where lands generally are taxed, we know of no statute exempting the lands mortgaged to the Real Estate Bank from taxation."

The other branch of the proposition, that if the lands were subject to sale for taxes at all, only the equity of redemption of the mortgagor could be sold, is equally untenable. Under our statute the *land* itself is sold for taxes, and not the particular interest or title of the person to whom it is assessed. A full and perfect title to the land passes by the sale, where the proceedings are regular.

Lands belonging to the state, of course, would be exempt from taxation. They are not embraced within the object and intention of the statute. The object of the statute is to raise a revenue from land, etc., for the support of the government. If the lands of the state were taxed, the taxes would have to be paid out of the public treasury, and of course no revenue would be gained by the operation, but a loss to the extent of the costs of assessing and collecting the taxes.

But the state cannot be regarded as the owner of the lands mortgaged to the Real Estate Bank, in the sense referred to. She has but an ultimate interest as a mortgagee, to indemnify her against the payment of the bonds issued by her to the bank.

It doubtless would be good policy for the legislature to pass an act making some provision for the preservation of the ultimate rights of the state in these lands, under the mortgages, but until this is done they must be held by the court subject to existing revenue laws.

In this case there were 690 acres, of which 240 acres were mortgaged for 94 shares at $100 each, amounting to $9,400. The land was bought for about thirteen dollars, and sold shortly afterward for $15,000. This is but one of several instances of the kind and it is apparent that a necessity exists for legislation to protect the state in this behalf. After consultation with the receiver of the Real Estate Bank and others, the committee have prepared a bill which is herewith submitted, to be entitled " an act to preserve and protect the rights of the state to certain lands."

At the instance of the land attorney and state collector your committee examined the matters connected with the collection of the proceeds of the sales of state lands. In order to facilitate collections and bring to light the true condition of the internal improvement, seminary and saline funds, your committee report the accompanying bill, to be entitled " an act concerning the proceeds of the grants of land to this state for internal improvements, seminaries and salines." Your committee suppose it unnecessary to call attention to this bill further, as the necessity for its provisions will be manifest to every reader of the bill.

GREEN J. CLARK, *Chairman,*
on part of Senate.
W. Y. McCAMMON, *Chairman,*
on part of House.

Which report was accompanied by the following bills, viz:

No. 172, *to be entitled an act to preserve and protect the rights of the state to certain lands.*

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas,* That it shall be the duty of the receiver of the assets of the Real Estate Bank of the State of Arkansas, to furnish to the assessor of each county wherein the lands are situate, a list of all lands mortgaged to said bank or to the state, or in which the state has a legal or equitable interest, and also to furnish to each of the clerks of said counties with a like list and in case any of such lands shall not have the taxes thereon paid, the same shall not be sold for non-payment of taxes, but shall be forfeited to the state, and the auditor of public accounts shall give proper credit to the collector for the taxes on the lands so forfeited.

SEC. 2. In case whereby omission, neglect, or otherwise, any of such lands shall be sold by any sheriff or collector, the purchaser thereof shall not acquire, nor shall said officer have power to sell any of the rights of the state thereto, but said lands shall be subject to all liens, mortgages and legal or equitable rights of the state.

SEC. 3. That the auditor of public accounts, in selling, donating or otherwise disposing of said lands, shall only sell the same subject to the rights of the state, and the purchaser or donee shall acquire only such title as will, in no manner, conflict with any right or interest of the state thereto, whether such reservation or restriction shall be set forth and expressed in the instrument of conveyance or not.

SEC. 7. All laws and parts of laws conflicting with the provisions of this act are hereby repealed, and this act shall be in force from its passage.

Read the first time.

On motion of Mr. Clark, the rules were suspended, the bill read the second time, by title, and made the order of to-day with Senate bill No. 54.

No. 173, *to be entitled an act to authorize the transcribing of certain records in the auditor's office, and to make appropriation therefor.*

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas,* That it shall be the duty of the auditor to procure well bound books, and cause to be copied therein the records now embraced in the two books, or volumes, being the record of lands offered for sale at public auction by the auditor, and the book or volume being the record of lands forfeited to the state and sold for taxes by sheriffs, which three books are those now in his office, that are so mutilated and worn as to be unsafe.

SEC. 2. That any extract or entry from the books so authorized to be transcribed, properly certified, shall be received as evidence in any of the courts of this state, to the same extent and effect as extracts or entries from other records.

SEC. 3. That the sum of three hundred and forty-six dollars, be, and the same is hereby appropriated to pay the expenses of purchasing such books and having the records aforesaid transcribed.

SEC. 4. That this act shall be in force from its passage.

No. 174, *to be entitled an act concerning the proceeds of the grants of land to this state for internal improvements, seminaries and salines.*

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas,* That, within thirty days from and after the passage of this act, the treasurer of this state shall turn over to the land attorney and state collector, all the bonds executed to the state for the payment for the purchase of any of the internal improvement, seminary, or saline lands, and shall take from said officer duplicate receipts therefor, one of which shall be filed in the office of the said treasurer, the other to be filed with the auditor, and it shall be the duty of the treasurer, within thirty days after the end of each quarter, to turn over to said land attorney and state collector all the bonds executed for any of the aforesaid lands, and reported to his office by the several state land agents, taking duplicate receipts therefor from said officer, as aforesaid.

SEC. 2. That the auditor shall, by the first day of March, 1859, furnish to the land attorney and state collector, suitable books, containing a list or register of the names and securities, if any, of all persons who have purchased any of the seminary and saline lands, together with the dates and amounts of their bonds, and all credits thereon, up to the said first day of March, 1859, and the sum of sixty-two dollars is hereby appropriated out of each of the said seminary and saline funds, to defray the expenses of purchasing and preparing said books.

SEC. 3. That it shall be the duty of the said land attorney and state collector to record, in the book heretofore furnished to him, in accordance with section 10, page 253, of the pamphlet acts of 1854–'5, containing a register of the debtors to the internal improvement fund, and in the said books to be furnished to him under the provisions of this act, all the bonds that may hereafter come to his possession, and regularly to enter and post all credits therein, so that by reference to the said books, at any time, information of the exact condition of each note or bond, can be furnished by said attorney.

SEC. 4. That, instead of the quarterly reports of the land attorney and state collector, now required to be furnished, he shall be required to report to the governor, on or before the first day of October, 1860, and every two years thereafter, the amount of money collected, the amount returned for forfeiture, as also the aggregate amount of all the bonds belonging to each fund, then uncollected, showing the full condition of the same, whether in suit or otherwise, in order that the governor may present to each General Assembly the exact condition of these separate funds.

SEC. 5. That whenever the said land attorney and state collector shall return any of the said bonds for forfeiture, as now required by law, the purchaser of the land, for which the bond or bonds were given, or his assignee may, at any time before the lands are offered for sale by the land agent, come forward and pay the said note, or bonds, with all interest due thereon, and it shall be lawful for the said attorney to receive the same and inform the auditor of such payment when the auditor shall notify the proper land agent, and require him to withhold the land from sale, and deed shall be made to said paying purchaser, or his assigns as fully in every respect as if the note or bond had not been returned for forfeiture

SEC. 6. That all laws inconsistent with the provisions of this act are hereby repealed, and this act shall be in force from its passage.

The following message was received from the governor:

Mr. PRESIDENT—

I am instructed by the governor, to report to the Senate of the General Assembly of the State of Arkansas, that on the 1st of February, 1859, he approved and signed "an act to incorporate the town of Hampton, in the county of Calhoun."

"An act supplementary to an act passed at the present session of the General Assembly, entitled 'an act to incorporate the town of Hampton, in the county of Calhoun.'"

"An act concerning the Cairo and Fulton railroad and its two branches." And,

"An act to distribute the new Digest of the Statutes of Arkansas."

And, also, a joint resolution authorizing the common school commissioner of Jefferson county, to draw from the state treasury, for the use of common schools of said county, forty-five dollars, paid into the state treasury by the sheriff of Jefferson county as a monument fund.

And, also, that on the 2d February, 1859, he approved and signed "an act to change the time of holding the county and probate courts of Independence county and the probate court of Benton county."

And "an act to authorize the county and probate judge of White county to cause to be transcribed the records of said county of White, and to legalize the same when so transcribed."

JAS. B. JOHNSON,
Acting Private Secretary.

Mr. Trimble, from the committee on enrollment, made the following

REPORT:

Mr. PRESIDENT—

The committee on enrollment did, on the 2d inst., hand to the governor, for his approval, House bill No. 297, to change the time of holding the circuit courts in the county of Desha.

Also, House bill No. 115, in relation to minors, who have no guardians.

Also, House joint resolution No. 15, memorializing Congress to confirm certain land entries, and permit land in railroad reserves, to be entered at the graduated prices.

Also, Senate bill No. 36, entitled an act to incorporate the town of Hampton.

Also, Senate bill No. 52, entitled an act concerning the Cairo and Fulton railroad company, and its two branches.

Also, Senate bill No. 121, an act supplementary to an act to incorporate the town of Hampton.

Also, Senate bill No. 140, to distribute the new Digest of the Statutes of Arkansas.

Also, Senate joint resolution No. 19, relative to the monument fund in the treasury from Jefferson county; and have instructed me to report the same correctly enrolled.

J. S. TRIMBLE,
Chairman.

Which report was read and received.

Pursuant to order, Senate bill No. 54, to be entitled "an act to provide for the correction of errors in the sale of state lands, and for other purposes," was taken up, and read for information.

On motion of Mr. Rosson, the bill was amended by striking out the words "depose a person or" in the third and fourth lines, and the words "or persons" in the fifth line of the sixth section.

Mr. Clark offered to amend the bill further by an additional section, to-wit:

SEC. 7. The auditor, on production of proof satisfactory to him, may correct errors, and put lands in a situation to have deeds thereon made, and may assume such power as in the preceding sections, are referred to the land agents, and, in all such cases shall furnish to the agent of the proper district a statement of his action in the premises, and said agent shall be governed thereby; and said action of said auditor shall be final, unless set aside by judgment or decree of a court having competent jurisdiction thereof, and said auditor may furnish a person with a statement of any amounts that may be due, in order to perfect any entry or purchase, to be paid directly into the treasury, or may issue a warrant for any amount due after issuing a refunding certificate; for such service he shall be allowed such fees as are by law allowed to agents; and that this act shall be in force from its passage.

Which amendment was read, and, on motion of Mr. Clark, adopted.

On motion of Mr. Clark, the bill was read the third time, as amended, and passed.

No. 175. Mr. Floyd, on leave, introduced Senate bill to be entitled "an act to aid railroads."

Which was read the first time.

On motion of Mr. Floyd, the rules were suspended, and the bill read the second time, by title.

Mr. Craighead moved to postpone the bill indefinitely.

On which motion Mr. Floyd demanded the yeas and nays, which was sustained, and ordered:

YEAS—Messrs. Askew, Craighead, Davies, Gaines, Jones, Marshall, McCreery, Pennington, Redmond, Rosson and Mr. President—11.

NAYS—Messrs. Carrigan, Clark, Douglas, Floyd, Gould, McColloch, Mecklin, Stirman, Terry, Trimble and Watkins—11.

So the motion to postpone the bill indefinitely was lost, and,

On motion of Mr. Floyd, the bill was made the order for Monday next, at 11 o'clock, a. m.

On motion of Gaines, the name of Mr. McCreery was added to the committee on swamp and overflowed lands.

Mr. Trimble, from the committee on enrollments, made the following

REPORT:

Mr. PRESIDENT—

The committee on enrollments have examined House bill No. 245, to furnish the Arkansas Reports to Searcy county, Arkansas.

Also, House bill No. 202, entitled an act for the relief of Pitman and Oates, of the county of Arkansas.

Also, House bill No. 214, to increase the pay of the county and probate judge of Benton county.

Also, House bill No. 164, authorizing Hopson O. Gentry, of Sevier county, to convey dower in certain lands.

Also, House bill No. 144, to incorporate the Atlanta Male and Female Academy.

Also, House bill No. 154, to repeal, in part, an act for the relief of Franklin, Union and Calhoun counties.

Also, House bill No. 221, to grant a charter to Jonathan Hardin to build a toll-bridge across Cadron creek, in Conway county.

Also, House bill No. 243, entitled an act for the relief of the county scrip holders of Lafayette county.

Also, House bill No. 153, entitled an act declaring all roads and highways in Lafayette county, lawful, and for other purposes.

Also, House bill No. 222, for the benefit of Princeton Male and Female Academy.

Also, House bill No. 248, to change the name of Mariah McKinney, of Conway county, and to constitute her a lawful heir of James A. Nicholas, of said county.

Also, House bill No. 151, to increase the salary of the governor of Arkansas, and have instructed me to report the same correctly enrolled.

J. S. TRIMBLE,
Chairman.

On motion of Mr. Watkins, the Senate adjourned until 9½ o'clock to-morrow morning.

THOS. FLETCHER,
President.

FRIDAY, *February 4th*, 1859.

The Senate met pursuant to adjournment.

Prayer by the chaplain.

Roll called.

PRESENT—Messrs. Carrigan, Clark, Craighead, Davies, Douglas, Floyd, Gaines, Gould, Jones, Marshall, McCreery, McColloch, Mecklin, Pennington, Redmond, Rosson, Stirman, Terry, Trimble, Watkins, Williams and Mr. President—22.

Mr. Watkins asked and obtained leave of absence for Mr. Askew, on account of sickness.

The journal of yesterday was read, approved and signed.

On motion of Mr. Floyd, Senate bill No. 115, to be entitled "an act to provide for the management and control of the penitentiary," which was made the order for 10 o'clock to-day, was postponed until 2½ o'clock, p. m.

The introduction of bills was in order.

No. 176. Mr. Terry introduced Senate bill to be entitled "an act to repeal, in part, an act entitled 'an act to authorize the counties of Jackson, Crawford, Pope, Lafayette, Phillips, Crittenden, Monroe, Columbia, and Pulaski, to levy a road tax.'"

Read the first time.

On motion of Mr. Williams, the rules were suspended, and the bill read the second time, by title.

Mr. Clark offered to amend by an additional section, to-wit:

SEC. 3. *Be it further enacted*, That an act entitled "an act to authorize the county courts of Jefferson, Scott, Sebastian, Chicot, Hempstead and Randolph counties, to levy a road tax, and for other purposes," approved 15th day of January, 1857, be and the same is hereby repealed, so far as the same relates to Sebastian county, and that the general road law of this state be revived in Sebastian county.

Which amendment was adopted.

On motion of Mr. Clark, the bill was read the third time, on suspension of the rules, and passed as amended.

No. 177. Mr. McCreery introduced Senate bill to be entitled "an act to constitute and make Louisa Humphries, of White county, in this state, the legal heir of John B. Humphries, of said county."

Which was read the first time.

On motion of Mr. McCreery, the rules were twice suspended, the bill read the second and third times, by title, and passed.

No. 178. Mr. Stirman introduced Senate bill, to be entitled "an act to change the name of Sealy Parmelee Riddle, to Zarrow Virginia Douthet."

Which was read the first time.

On motion of Mr. Terry, the rules were suspended, and the bill read the second time, by title.

Mr. Douglass offered to amend by an additional section, to-wit:

SEC. —. *Be it further enacted,* That this act shall continue in force until the next meeting of the General Assembly, at which time, the names of all free white citizens in the state shall be changed, either back to what they were originally, or to such other names as may suit the convenience or fancy of their owners.

Mr. Stirman moved the indefinite postponement of the amendment; which was lost.

Mr. Douglas moved its adoption.

Which motion was also lost.

On motion of Mr. Stirman, the rules were suspended, and the bill read the third time by title, when Mr. Carrigan called for the yeas and nays on its passage, which call was sustained, and ordered:

YEAS—Messrs. Clark, Davies, Floyd, Gaines, Gould, Jones, Marshall, McCreery, McColloch, Mecklin, Redmond, Stirman, Terry, Trimble and Mr. President—15.

NAYS—Messrs. Carrigan, Craighead, Douglas, Pennington, Rosson, Watkins and Williams—7.

So the bill passed.

No. 179. Mr. Floyd introduced Senate bill, to be entitled "an act to incorporate the Ewing Institute, in the county of Johnson, and State of Arkansas."

Read the first time.

On motion of Mr. Floyd, the rules were twice suspended, the bill read the second and third times, by title, and passed.

No. 180. Mr. Davies introduced Senate bill, to be entitled "an act to establish the county of Crowley."

Which was read the first time, by title.

On motion of Mr. Clark, the rules were suspended, the bill read the second time, by title, and

On motion of Mr. Davies, referred to the committee on counties and county lines.

No. 181. Mr. Clark introduced Senate bill, to be entitled "an act to authorize the guardians of the heirs of John Drennen, deceased, to carry on the farm of deceased, for the benefit of said heirs.

Read the first time.

On motion of Mr. Clark, the rules were suspended, the bill read the second time, by title, and

On motion of Mr. Watkins, referred to the committee on the judiciary.

The following message was received from the House of Representatives, by their clerk:

Mr. PRESIDENT—

I am instructed to inform your honorable body that the House of Representatives have assented to, and amended

Senate bill No. 57, to be entitled "an act to build a public bridge across Petit Jean creek, in Yell county of this state."

Said bill is herewith returned, and the amendment transmitted for the concurrence of your honorable body, which is respect fully asked.

Senate bill No. 145, to be entitled "an act for the benefit of the citizens of township sixteen north of range one west."

Said bill is herewith returned.

The House of Representatives have passed the following House bills, to-wit:

No. 321, to be entitled "an act to increase the revenue of Lafayette county, and for other purposes."

No. 322, to be entitled "an act to amend the present law under the head of administrators and guardians."

No. 324, to be entitled "an act to constitute Susan Elizabeth Frances Haynes a lawful heir of Stephen Haynes and Susan Haynes, his wife, of Pulaski county."

No. 325, to be entitled "an act to incorporate the president and trustees of the Mountain Home Male and Female Academy."

No. 326, to be entitled "an act to authorize the common school commissioner of Monroe county to sell to W. T. O. Harris, of said county, the 16th section of township one, south of range three west."

No. 304, to be entitled "an act for the benefit of the Holly Springs Male and Female Academy."

Said six bills are herewith transmitted for the assent of your honorable body, which is respectfully asked.

The House of Representatives have adopted House joint resolution No. 58, relative to a mail route from Van Buren to Neosho, Missouri.

Said resolution is herewith transmitted for the concurrence of your honorable body, which is respectfully asked.

The House of Representatives have assented to Senate bill No. 128, to be entitled "an to extend the corporate limits of the city of Clarksville, in the county of Johnson."

Said bill is herewith returned.

S. M. SCOTT, *Clerk of*
House of Representatives.

No. 182. Mr. Mecklin introduced Senate bill to be entitled "an act for the incorporation of the city of Fayetteville."

Read the first time.

On motion of Mr. Mecklin, the rules were suspended, and the bill read the second time by title.

On motion of Mr. Floyd, the words "two hundred" were stricken out of the first section, and "ninety-nine" inserted.

On motion of Mr. Rosson, the rules were suspended, the bill read the third time, by title, and passed.

Mr. Rosson offered the following

RESOLUTION:

Resolved, That the committee on the judiciary be required to examine the question of the pay that each member shall be entitled to receive under the law, during the present General Assembly, and make report thereon at their earliest convenience.

Which was read, and on motion of Mr. Rosson, adopted.

Mr. Trimble from the committee on enrollments, made the following

REPORT:

Mr. President—

The committee on enrollments did, on the 2d inst., hand to the Governor for his approval, Senate bill No. 59, entitled "an act to authorize the county and probate judge of White county to transcribe certain records."

Also, Senate bill No. 21, entitled "an act to change the time of holding the county and probate courts of Independence county."

Also, House bill No. 105, to incorporate the city of Arkadelphia.

Also, House bill No. 131, to amend section eight of an act to incorporate the town of Clinton.

Also, substitute House bill No. 136, prohibiting the emancipation of slaves.

Also, House bill No. 158, authorizing the clerks of the counties of Izard and Carroll, to burn certain election returns and cancel county scrip in their respective offices; and have instructed me to report the same.

J. S. TRIMBLE,
Chairman.

No. 183. Mr. Gaines, on leave, introduced Senate bill to be entitled "an act concerning unconfirmed swamp land.

Read the first time.

On motion of Mr. Gaines, the rules were suspended, the bill read the second time, by title, and referred to the committee on swamp and overflowed lands.

No. 184. Mr. Douglas, on leave, introduced a bill to be entitled "an act to legalize the sale of lots 55 and 56, in the town of Gainesville, in the county of Greene, in this state."

Read first time.

On motion of Mr. Douglas, the rules were suspended, the bill read the second time, by title, and

On motion of Mr. Davies, referred to the committee on the landed interests of this state.

No. 185. Mr. Trimble introduced Senate bill to be entitled "an act making a donation of books to the Bateville Institute."

Read first time.

On motion of Mr. Trimble, the rules were suspended, and the bill read the second time, by title.

Mr. Craighead moved to amend by an additional section:

Sec. 2. *Be it further enacted*, That, upon the certificate of the clerk of the circuit court of any county, that any volume of the reports of the decisions of the supreme court of this state, has not been furnished, or has been lost, the secretary of state shall furnish said missing volume to said county, the expense of transportation thereof being defrayed by the county so furnished.

Mr. Gould offered to amend the amendment by striking out the words "or has been lost."

Which motion was lost.

Mr. Stirman moved to amend by adding "that all the chartered male colleges in the state, be entitled to the provisions of the bill."

On motion of Mr. Floyd, the bill and amendments were referred to the committee on education.

No. 186. Mr. Gaines introduced Senate bill to be entitled "an act to incorporate the Jefferson Female College."

Read first time.

On motion of Mr. Gaines, the rules were suspended, the bill read the second time by title, and referred to the committee on the judiciary.

No. 187. Mr. Pennington introduced Senate bill to be entitled "an act to prevent slaves from owning property."

Read first time.

On motion of Mr. Pennington, the rules were suspended, the bill read the second time, by title, and

On motion of Mr. McColloch, referred to the committee on the judiciary.

No. 188. Mr. Terry introduced Senate bill to be entitled "an act for the relief of purchasers of swamp land, at any of the U. S. land offices."

Read first time.

On motion of Mr. Terry, the rules were suspended, the bill read the second time, by title, and referred to the committee on swamp and overflowed lands.

No. 189. Mr. Gaines introduced Senate bill to be entitled "an act in reference to the statutory laws on Garnishment."

Read first time.

On motion of Mr. Gaines, the rules, were suspended, the bill read the second time, by title, and referred to the committee on the judiciary.

No. 190. Mr. McColloch introduced Senate bill to be entitled "an act concerning the swamp lands in the Champagnolle district."

Read first time.

Mr. Craighead moved the indefinite postponement of the bill.

Mr. Marshall was called to the chair.

Mr. Craighead spoke for some time in favor of the indefinite postponement of the bill, but gave way to Mr. Gaines, before concluding;

On whose motion, the Senate took a recess until 2½ o'clock, p. m.

2½ O'CLOCK, P. M.

The Senate convened.

The roll was called by order of the President.

PRESENT—Messrs. Carrigan, Clark, Craighead, Davies, Douglas, Floyd, Gaines, Gould, Jones, Marshall, McCreery, McColloch, Mecklin, Pennington, Redmond, Rosson, Stirman, Terry, Trimble, Watkins, Williams and Mr. President—22.

Pursuant to order Senate bill No. 115, to be entitled "an act to provide for the management and control of the penitentiary," was taken up.

Mr. Davies moved to amend by striking out the words "two years" wherever they occur in the bill, and inserting "four years and one month."

Which motion was lost.

On motion of Mr. Gould, the said words "two years" were stricken out, and the words "until the close of the session of the General Assembly of 1862," were inserted in lieu thereof.

Mr. Terry moved to amend the 7th section by providing for two or more cisterns, to contain not less than twenty-five thousand gallons of water each, with a chain pump to each cistern.

Mr. Stirman offered to amend the amendment, by saying "force pump, instead of chain pump."

On motion of Mr. Watkins, the amendments were indefinitely postponed; and

On his further motion, the bill was read the third time, as amended, and passed.

The Senate, by common consent, resumed their consideration of Senate bill No. 190, to be entitled "an act concerning the swamp lands in the Champagnolle district."

Mr. Williams was called to the chair.

The motion pending was to postpone said bill indefinitely, which was discussed at length by Messrs. Craighead, Gaines and McCreery in the affirmative, and Messrs. Clark, Gould and McColloch in the negative.

At the conclusion of the discussion, Mr. Marshall called for the yeas and nays, on the question to postpone indefinitely, which call was sustained and ordered.

Yeas—Messrs. Craighead, Davies, Gaines, Marshall, McCreery, Mecklin, Pennington, Rosson, Williams and Mr. President—10.

Nays—Messrs. Carrigan, Clark, Douglas, Floyd, Gould, McColloch, Redmond, Stirman, Trimble and Watkins—10.

So the bill was not indefinitely postponed.

On motion of Mr. Floyd the rules were suspended, the bill read the second time, by title, and

On motion of Mr. Rosson refered to the committee on internal improvements.

Mr. Trimble, from the committee on enrollments, made the following

REPORT:

Mr. President—

The committee on enrollments did, on the 3d inst., hand to the governor for his approval, House bill No. 245, to furnish the Arkansas Reports to Searcy county, Arkansas.

Also, House bill No. 202, entitled an act for the relief of Pitman and Oates, of the connty of Arkansas.

Also, House bill No. 214, to increase the pay of the county and probate judge of Benton county.

Also, House bill No. 164, authorizing Hopson O. Gentry, of Sevier county, to convey dower, in certain lands.

Also, House bill No. 144, to incorporate the Atlanta, Male and Female Academy.

Also, House bill No. 154, to repeal in part, an act for the relief of Franklin, Union and Calhoun counties.

Also, House bill No. 221, to grant a charter to Jonathan Hardin, to build a toll bridge across Cadron creek, in Conway county.

Also, House bill No. 243, an act for the relief of the county scrip holders, of Lafayette county.

Also, House bill No. 153, entitled an act declaring all roads and highways in Lafayette county, lawful and for other purposes.

Also, House bill No. 222, for the benefit of Princeton Male and Female Academy.

Also, House bill No. 248, to change the name of Mariah McKinney, of Conway county, and to constitute her a lawful heir of James A. Nicholas, of said county.

Also, House bill No. 151, to increase the salary of the governor, of Arkansas, and have instructed me to report the same.

J. S. TRIMBLE,
Chairman.

On motion of Mr. Davies, the Senate adjourned until 9 o'clock to-morrow morning.

THOS. FLETCHER,
President.

SATURDAY, *February* 5, 1859.

The Senate met pursuant to adjournment.

Prayer by the chaplain.

Roll called.

PRESENT—Messrs. Carrigan, Clark, Craighead, Davies, Douglas, Floyd, Gaines, Gould, Jones, Marshall, McCreery, McColloch, Mecklin, Pennington, Redmond, Rosson, Stirman, Terry, Trimble, Watkins, Williams and Mr. President—22.

The journal of yesterday was read, approved and signed.

Message from the House of Representatives by their clerk:

Mr. PRESIDENT—

I am instructed to inform your honorable body that the House of Representatives have assented to the following Senate bills to-wit:

No. 97, to be entitled "an act to constitute certain acts of individuals high misdemeanors."

No. 84, entitled "an act explanatory of the 23d section, chap. 62, Gould's digest under the head of elections."

No. 95, entitled "an act to amend section 15, of chapter 101 of Gould's digest."

No. 136, entitled "an act to permit the M. and Little Rock R. R. Company and Little Rock and Fort Smith R. R. Company to consolidate said companies into one company to be known and called the Central Pacific railroad company."

No. 131, entitled "an act for the relief of the widow of T. B. Walters, deceased."

No. 137, entitled "an act to incorporate the President and Trnstees of the Chambersville Male and Female Academy and to prevent the sale of spirituous liquors within two miles of Chambersville."

No. 122, entitled "an act to change the name of Josephine Kate Morrow to that of Josephine Kate Rushing, and make her a lawful heir of E. D. Rushing of Independence county."

No. 124, entitled "an act to repeal an act authorizing the county courts of Sebastian, Crawford and Franklin counties to appoint a county attorney, approved 15 Jan. 1857, so far as the same relates to Sebastian county.

Said eight bills are herewith returned.

The House of Representatives have concurred in Senate joint resolution, No. 28, relative to appointing mail agents on White river mail routes.

Said resolution is herewith returned.

The House of Representatives have rejected the following Senate bills:

No. 146, entitled "an act to provide the clerk's office of each county, in this State, with a copy of Langtree's new sectional map."

No. 27, entitled "an act to amend chapter 51, part 12 of the digest of the statutes in relation to the punishment of slaves for felonies."

No. 35, entitled "an act to prevent parties from recovering more costs than damages for trespass for slanderous words spoken."

No. 116, entitled "an act concerning the apportionment of road hands."

Said bills are herewith returned.

The House of Representatives have concurred in Senate amendments to the following House bills.

No. 11, "an act to fix the pay of jurors.

No. 90, "an act to revive an act to incorporate the town of Lewisville.

No. 4, "an act to prevent the people from being defrauded with bank paper."

And to Senate amendment to House joint resolution, No. 2.

The House of Representatives have passed the following bills, to-wit:

No. 330, entitled "an act to empower the probate judge in vacation, to authorize administrators, executors and guardians to lease real estate and hire out slaves."

No. 335, "an act to authorize the county courts of Randolph, Greene and Crawford counties to levy a road tax and for other purposes."

No. 334, "an act to incorporate the Little Rock High School, for girls."

No. 329, "an act to incorporate the Lawrence county Mining and Manufacturing Zink company, in the State of Arkansas.

No. 331, "an act for making and repairing levees in Crittenden county."

Said five bills are herewith transmitted for the assent of your honorable body, which is respectfully asked.

S. M. SCOTT, *Clerk of*
House of Representatives.

On motion of Mr. Floyd the special order of the day, House bill No. 147, to be entitled "an act to remove free negroes and mulattoes from the State," was postponed until half past two o'clock, p. m., Monday next.

No. 191, Mr. Redmond introduced Senate bill to be entitled "an act declaring L'Anguille river a navigable stream.

Read the first time.

On motion of Mr. Redmond the rules were suspended, and the bill read the second time, by title.

Mr. Gaines offered to amend by inserting after the word "river" the following:

And the Bayou Mason in Chicot county, from the Louisiana line to where the Mississippi, *Ouachita and Red river* railroad crosses the same.

Which was on motion Mr. Gaines adopted.

On his further motion the rules were suspended, the bill read the third time, as amended and passed with the following title:

A bill to be entitled an act declaring the L'Anguille river and Bayou Mason navigable streams.

No. 192, Mr. McCreery introduced Senate bill to be entitled "an act to change the time for holding the courts of White county and to attach said county to the 5th judicial circuit.

Which was read the first time.

On motion of Mr. McCreery, the rules were suspended, the bill read the second time, by title, and referred to the committee on the judiciary.

No. 193, Mr. Floyd introduced Senate bill to be entitled "an act to secure legal owners of real estate, against trespass on the same, and prevent them from setting up possessory title by being in possession for ten years or more.

Which was read the first time.

On motion of Mr. Floyd the rules were suspended, the bill read the second time, by title, and referred to the committe on the judiciary.

No. 194, Mr. Stirman presented the petition of George Williams, of Yell county, accompanied by a bill for his relief.

Bill read the first time.

On motion of Mr. Stirman, the rules were suspended, the bill read the second time, by title, and referred to the committe on swamp and overflowed lands.

No. 195, Mr. Davies introduced Senate bill to be entitled "an act to amend an act to incorporate to town of Pocahontas, in the county of Randolph, State of Arkansas, approved, 15th January, 1857.

Which was read the first time.

On motion of Mr. Davies, the rules were twice suspended, the bill read the second and third times, by title, and passed.

No. 196, Mr. Clark introduced Senate bill to be entitled "an act for the relief of Geo. W. Reed, late sheriff of Scott county."

Which was read the first time.

On motion of Mr. Clark, the rules were suspended, the bill read the second and time, by title, and referred to the committee on claims.

No. 197, Mr. Clark introduced Senate bill to be entitled "an act for the relief of Sutton F. Cotterell, late sheriff of Crawford county, and for the relief of Dr. James A. Dibrell.

Which was read the first time.

On motion of Mr. Clark, the rules were suspended, and the bill read the second time, by title, and referred to the committee on claims.

Mr. Trimble, from the committee on enrollments, made the following

REPORT:

Mr. President—

The committee on enrollments have examined House bill No. 271.

Also, House bill No. 255.

Also, House bill No. 217, to incorporate the Arkansas institute for the blind.

Also, House bill No. 313, to incorporate the Rescue Fire Company of Batesville.

Also, House bill No. 246.

Also, House bill No. 215.

Also, House bill No. 30.

Also, House bill No. 45, to provide for the salary of the probate judge of Chicot county.

Also, House bill No. 260.

Also, House bill No. 219, to be entitled an act to aid the cause of education in Calhoun county.

Also, Senate bill No. 171, to incorporate the Jacksonport and Carrollton turnpike company.

Also, Senate bill No. 40.

Also, Senate bill No. 82.

Also, Senate bill No. 138, allowing county courts to employ county attorneys.

Also, Senate bill No. 63, for the relief of sheriffs and tax collectors.

Also, Senate joint resolution No. 22, relative to a mail route from Jacksonport to Wolf Bayou post-office, in Independence county.

Also, Senate joint resolution No. 25.

Also, Senate joint resolution No. 21, requesting the governor to make certain inquiries at Washington city; and have instructed me to report the same correctly enrolled.

J. S. TRIMBLE,
Chairman.

No. 198. Mr. Jones introduced Senate bill, to be entitled "an act to enable the counties of Prairie and St. Francis to take railroad stock.

Read first time.

On his motion, the rules were suspended, and the bill read read the second time, when

Mr. Craighead moved its indefinite postponement.

The motion to postpone was discussed by Mr. Craighead in the affirmative, and Mr. Jones in the negative, but before a vote was taken thereon, the Senate,

On motion of Mr. Floyd, took a recess of ten minutes.

11 O'CLOCK, A. M.

The Senate was called to order.

The following message was received from the House of Representatives by their clerk:

Mr. PRESIDENT—

I am instructed to inform your honorable body that the House of Representatives are now ready to receive your honorable body in their hall for the purpose of going into the election of a judge of the supreme court, to fill the vacancy occasioned by the death of the Hon. Christopher C. Scott.

S. M. SCOTT, *Clerk of*
House of Representatives.

On motion of Mr. Gould, the Senate repaired to the hall of the House of Representatives, and being there seated, the President of the Senate announced the object of the convention, and stated that nominations for an associate justice of the supreme court were in order.

Mr. Redmond nominated Henry M. Rector, of Pulaski county.

Mr. Weir, nominated Harris Flannigan, of Clark county.

Mr. Duffie nominated F. W. Compton, of Dallas county.

Mr. Terry nominated B. C. Totten, of Prairie county.

No other nominations being made, the rolls were called, when it appeared that, on joint ballot, Henry M. Rector had received 37 votes; Harris Flannigan, 5 votes; F. W. Compton, 26 votes, and B. C. Totten, 14 votes.

Those Senators voting for Henry M. Rector, are

Messrs. Clark, Douglas, Redmond, Stirman and Williams—5.

Those voting for Harris Flanigan, are

Messrs. Carrigan and Pennington—2.

Those voting for F. W. Compton, are

Messrs. Davies, Gaines, Gould, Marshall, Mecklin, Rosson, Trimble and Mr. President—8.

Those voting for B. C. Totten, are

Messrs. Craighead, Floyd, Jones, McCreery, Terry and Watkins—6.

In the House Henry M. Rector received 32 votes; Harris Flannigan, 3 votes; F. W. Compton 18 votes, and B. C. Totten, 8 votes.

Mr. Barber received one vote in the House.

Neither of the candidates having received a majority of all the votes cast, the President of the Senate announced that there was no election, and that the convention would proceed to ballot the second time.

Mr. Weir withdrew the name of Mr. Flannigan.

The rolls were called, when it appeared that, on joint ballot, Henry M. Rector had received 41 votes; F. W. Compton, 31 votes, and B. C. Totten, 11 votes.

Those Senators voting for Henry M. Rector, are

Messrs. Clark, Douglas, Redmond, Stirman and Williams—5.

Those Senators voting for F. W. Compton, are

Messrs. Carrigan, Craighead, Davies, Floyd, Gaines, Gould, Marshall, Mecklin, Rosson, Trimble and Mr. President—11.

Those voting for B. C. Totten, are

Messrs. Jones, McCreery, Pennington, Terry and Watkins—5.

In the House, Henry M. Rector received 36 votes; F. W. Compton, 19 votes, and B. C. Totten 6 votes.

Mr. Barber received one vote in the House.

Neither of the candidates voted for having received a majority of all the votes cast, the President of the Senate announced that the convention would proceed to ballot the third time.

Mr. Terry withdrew the name of B. C. Totten.

The rolls were then called the third time, when it appeared that, on joint ballot, Henry M. Rector had received 44 votes, and F. W. Compton, 40 votes.

Those Senators voting for Henry M. Rector, were

Messrs. Clark, Douglas, McCreery, Redmond, Stirman, Watkins and Williams—7.

Those voting for F. W. Compton, were

Messrs. Carrigan, Craighead, Davies, Floyd, Gaines, Gould, Jones, Marshall, Mecklin, Pennington, Rosson, Terry, Trimble and Mr. President—14.

In the House Henry M. Rector received 37 votes, and F. W. Compton 26 votes.

Mr. Barber received one vote in the House.

Thereupon the President of the Senate announced that Henry M. Rector, having received a majority of all the votes cast, was duly and constitutionally elected associate justice of the supreme court, for and during the vacancy caused by the death of Hon. Christopher C. Scott.

The Senate then returned to their chamber, and

On motion of Mr. Craighead, adjourned until 10 o'clock, Monday morning.

THOS. FLETCHER,
President.

◆

MONDAY, *February* 7, 1859.

The Senate met pursuant to adjournment.

Prayer by the chaplain.

Roll called.

PRESENT—Messrs. Carrigan, Craighead, Davies, Douglas, Floyd, Gaines, Gould, Jones, Marhall, McCreery, McColloch, Mecklin, Pennington, Redmond, Rosson, Stirman, Terry, Trimble, Watkins, Williams and Mr. President—21.

Mr. Davies, asked and obtained leave of absence for Mr. Clark on account of sickness.

The journal of Saturday was read, approved and signed.

On motion of Mr. Floyd, Senate bill No. 175, to be entitled "an act to aid railroads," which was made the order for 11 o'clock, a. m., to-day, was postponed until Friday next, at 10 o'clock, a. m.

Mr. Gould offered the following

RESOLUTION:

Resolved, That a committee of ——— be appointed to ascertain of Mrs. Julia Beebe, the price of her residence and grounds attached, with a view of the purchase of the same by the state, as an executive office and residence, and that said committee report by bill or otherwise.

Which was read, and on motion of Mr. Floyd, referred to the committee on public buildings.

Mr. Mecklin offered Senate joint resolution No. 29, to-wit:

Resolved by the two houses of the General Assembly, That the heirs of the Hon. B. H. Smithson, deceased, be allowed mileage and per diem pay until his successor, R. W. Mecklin was qualified and took his seat; and it is further

Resolved, That R. W. Mecklin be authorized to receive the same, and transmit it to the heirs of the said Smithson.

Which was read, and ordered to remain on the table under the rules.

On motion of Mr. Carrigan, the following Senate resolutions were taken up:

Resolved, That the Senate, after this time, will hold evening sessions on Mondays, Wednesdays and Fridays.

Resolved further, That no senator shall speak longer than thirty minutes to any question unless leave be granted.

Mr. Floyd moved to amend by striking out "thirty minutes," in the second clause of the resolution, and inserting "ten minutes" in lieu thereof.

Which motion was lost.

He then moved to insert "fifteen minutes" in lieu of "thirty minutes."

Which motion was also lost.

Mr. Stirman moved to postpone the resolution indefinitely.

Which motion was lost.

On motion of Mr. Gaines, the last clause of the resolution was stricken out, and

On motion of Mr. Pennington, the resolution as amended was then adopted.

On motion of Mr. Carrigan, leave of absence was granted Mr. Terry until 2½ o'clock, p. m.

The following message was received from the House of Representatives, by their clerk:

Mr. President—

I am instructed to inform your honorable body that the House of Representatives have passed House bill No. 119, to be entitled "an act to authorize the county court of Searcy county to appropriate $2,000 of the internal improvement fund of said county to pay debts incurred by said county in making public improvements.

House bill No. 336, to authorize the county court of Scott county to borrow the internal improvement fund of said county for the purpose of building a court house.

House bill No. 337, to be entitled "an act to provide for building bridges in Sebastian county."

Said bills are herewith transmitted for the assent of your honorable body, which is respectfully asked.

S. M. SCOTT, *Clerk of*
House of Representatives.

Mr. Rosson offered the following

RESOLUTION:

Rosolved, That the Senate now take up House resolution, to adjourn sine die on the 14th inst., for the purpose of concurring therein.

Which resolution was lost.

Mr. Gaines, from the committee on the judiciary, made the following

REPORT:

Mr. President—

The judiciary committee to whom was referred Senate resolution, to inquire into the question of the amount of pay the members of the Senate, as members of this General Assembly, shall be entitled to receive for their services as such members, have had the same under consideration, and would most respectfully

REPORT:

That the committee are fully satisfied, and clear in their opinion, that this General Assembly is the same that met and assembled, under the constitution, on the first Monday of November, A. D. 1858,; and that no recess that may have been taken at any time, has in any manner effected its constitutional existence, and that the same is one entire session, perfecting the unfinished business begun at the commencement. And that no recess that may have been taken, has in any manner effected the per diem pay or mileage, and that the members of this General Assembly are entitled to their per diem pay and one mileage, as is usual, for the whole session of this Gen-Assembly.

GAINES,
Chairman.

Which report was read, when

Mr. Gould, from the same committee, made the following minority

REPORT:

Mr. President—

The undersigned, a minority of the judiciary committee, beg leave to report that they dissent from so much of the report of the majority of said committee—upon the resolution instructing them to enquire "what is the amount of pay the members of the Senate, as members of this General Assembly, shall be entitled to receive for their services as said members—as expresses the opinion that members are entitled to their per diem, during the period of adjournment.

The minority of the committee are clearly of the opinion that the members of this Senate are entitled to their mileage home when adjourned by the governor, and to their mileage when they returned in obedience to the proclamation of the governor. This mileage is exclusive of the mileage due them at the commencement and final adjournment of the General Assembly.

In all other points the minority agree in the conclusions of the report of the majority of the committee.

J. GOULD,
THOS. B. CRAIGHEAD.

Which report was also read.

Mr. Floyd moved the adoption of the majority report, on which motion Mr. Craighead demanded the yeas and nays, and the demand being sustained the roll was called.

Yeas—Messrs. Carrigan, Clark, Davies, Douglas, Floyd, Gaines, Jones, Marshall, McColloch, Mecklin, Pennington, Rosson, Stirman, Watkins and Williams—15.

Nays—Messrs. Craighead, Gould, McCreery, Redmond, Trimble and Mr. President—6.

So the majority report was adopted, and the report of the minority thereby rejected.

The following message was received from the governor:

Mr. President—

I am instructed by the governor to report to the Senate of the General Assembly of the State of Arkansas, that on the 4th February, 1859 he approved and signed "an act for the relief of sheriffs and tax collectors."

"An act giving permission to county courts to employ county attorneys to protect the interest of their respective counties."

"An act authorizing the clerks of the circuit courts of the several counties of this state to issue subpoenas in vacation for witness to appear before the grand jury."

"An act to incorporate the Jacksonport and Carrollton turnpike company;" and also three joint resolutions, one requesting the governor to ascertain from proper officers in Washington City, whether complete and correct lists of all lands in Arkansas disposed of by the U. S. can be obtained, and at what probable cost; the other two resolutions instructing our Senators and requesting our Representatives in Congress—one to use their influence to have the grade of service on mail route No. 7,812, (from Little Rock to Fort Smith, now carried daily on the north side of the Arkansas river, in two horse coaches,) increased to four horse post coaches; and by the other resolution to use their influence to have established a tri-weekly one horse mail, from Jacksonport, in Jackson county *via* Oil Trough, Pleasant Plains, through Pine Grove neighborhood to Wolf Bayou post office, in independence county.

And, that on the 5th February, 1859, the governor approved and signed "an act to incorporate the trustees of the Hampton male and female academies."

"An act for the relief of Thomas H. Lefler."

"An act to authorize the clerks of Greene and Poinsett counties, to transcribe certain records."

"An act to extend the corporate limits of the city of Clarksville, in the county of Johnson."

"An act enabling the county courts of the counties of Union and Calhoun, to reduce the per centum of county taxes."

"An act to authorize the several county courts to examine and cause to be burned all old scrip and ballots, on the files in the respective clerk's offices."

"An act for the relief of the citizens of township sixteen north, of range one west."

"An act to legalize the sale of the sixteenth section, in township nineteen north of range seven east, in Greene county."

"An act to charter the Central Pacific Telegraph company;" and also, a joint resolution instructing our senators and requesting our representatives in Congress to use their influence to require Butterfield & Co., to carry the overland mail to the Pacific, as stipulated in their contract."

A. H. RUTHEREORD,
Acting Private Secretary.

Mr. Stirman was called to the chair.

Mr. Gaines, from the committee, on the judiciary, made the following

REPORT:

MR. PRESIDENT.

The judiciary committee, to whom was referred the petition of the grand jury of Greene county—have had the same under consideration, and have instructed me to report the accompanying bill, and recommend its passage.

GAINES,
Chairman.

Which report was read and the bill to be entitled "an act to change the times of holding the circuit courts in the counties of Poinsett and St. Francis, in the 1st judicial circuit, was read the first time.

On motion of Mr. Davies, the rules were twice suspended, the bill read the second and third times, by title, and passed.

Mr. Gaines, further from the same committee made the following

REPORT:

Mr. President—

The committee on the judiciary to whom was referred House bill No. 66, to be entitled "an act to incorporate the trustees of the Arkansas Baptist State Convention," have had the same under consideration and have instructed me to report it back to the Senate and to recommend its passage.

GAINES,
Chairman.

Which report was read and received, and

On motion of Mr. Gaines, the bill was read the third time and passed.

Mr. Gaines, further from the same committee, made the following

REPORT:

Mr. President—

The judiciary committee, to whom was referred House bill No. 20, to be entitled an act to relieve certain purchasers of state lands," have had the same under consideration, and instruct me to report it back and recommend its passage as it came from the House, and that the amendment adopted by the Senate be stricken out.

GAINES,
Chairman.

Which report was read and adopted, and the amendment thereby stricken out.

Mr. McColloch offered to amend the bill by adding after the words "legal representatives," the words "or where the quantity of lands is less than the number of acres purchased."

Which was adopted.

On motion of Mr. Floyd, the bill was read the third time as amended and passed.

Mr. Gaines further, from the same committee, made the following

REPORT:

Mr. President—

The committee on the judiciary, to whom was referred Senate bill No. 166, to be entitled "an act to amend section 7 chapter 147, and section 51, chapter 148 of the Digest of 1858," have considered the same and instruct me to report it back and recommend its passage.

GAINES,
Chairman.

Which report was read and received, and

On motion of Mr. Pennington, the bill was read the third time and passed.

On motion of Mr. Douglas, House bill No. 177, to be entitled "an act for the relief of Benjamin Vaughan, of Madison county," was taken up and read the first time.

On his further motion the rules were twice suspended, the bill read the second and third times, by title, and passed.

On motion of Mr. Clark, House joint resolution to provide for the payment of the funeral expenses of the Hon. John H. Torbett, was taken up, read and concurred in by the Senate.

On motion of Mr. Redmond, the Senate took a recess until 2½ p. m.

2½ O'CLOCK, P. M.

The Senate met.

The roll was called by order of the President.

Present—Messrs. Carrigan, Clark, Craighead, Davies, Douglas, Floyd, Gaines, Gould, Jones, Marshall, McCreery, McColloch, Mecklin, Pennington, Redmond, Rosson, Trimble, Watkins, Williams and Mr. President—22.

The following message was received from the Governor:

Executive Office,
Little Rock, Ark's,
7th February, 1859.

To the President of the Senate,
of the General Assembly of the State of Arkansas:

For reconsideration, I herewith return to the Senate, in which it originated, a bill entitled "an act to retrocede to the counties of Bradley and Union the overflowed territory below the mouth of the Moro creek."

It is my opinion that this bill is in conflict with section twenty-nine, of article four, of the constitution of the State of Arkansas. If the bill could become a law, Calhoun county would be left with much less than nine hundred square miles of territory within its boundaries.

I therefore feel compelled to decline approving and signing the bill.

ELIAS N. CONWAY.

Pursuant to order House bill No. 147, to be entitled "an act to remove the free negroes and mulattoes from this state," was taken up and read for information.

On motion of Mr. Floyd, the bill was read the third time, by title.

Mr. Craighead spoke at length against the passage of the bill, and

Mr. Trimble spoke in favor of its passage.

The question occurring on the passage of the bill, Mr. Craighead demanded the yeas and nays, which demand was sustained and the roll called.

Yeas—Messrs. Clark, Floyd, Gould, Hammond, Marshall, McCreery, McColloch, Mecklin, Pennington Redmond, Rosson, Stirman, Terry and Trimble—14.

Nays—Messrs. Carrigan, Craighead, Davies, Douglas, Gaines, Jones, Watkins; Williams and Mr. President—9.

So the bill passed.

Mr. Trimble, from the committee on enrollments, made the following

REPORT:

Mr. President—

The committee on enrollments did on the 4th inst., hand to the governor for his approval, Housebill No. 271.

Also, House bill No. 255.

Also, House bill No. 217, to incorporate the Arkansas institute for the blind.

Also, House bill No. 313, to incorporate the Rescue Fire Company of Batesville.

Also, House bill No. 246.

Also, House bill No. 215.

Also, House bill No. 30.

Also, House bill No. 45, to provide for the salary of the probate judge of Chicot county.

Also, House bill No. 260.

Also, House bill No. 219, to be entitled an act to aid the cause of education in Calhoun county.

Also, Senate bill No. 171, to incorporate the Jacksonport and Carrollton turnpike company.

Also, Senate bill No. 40.

Also, Senate bill No. 82.

Also, Senate bill No. 138, allowing county courts to employ county attorneys.

Also, Senate bill No. 63, for the relief of sheriffs and tax collectors.

Also, Senate joint resolution No. 22, relative to a mail route from Jacksonport to Wolf Bayou post-office, in Independence county.

Also, Senate joint resolution No. 25.

Also, Senate joint resolution No. 21, requesting the governor to make certain inquiries at Washington city; and have instructed me to report the same.

J. S. TRIMBLE,
Chairman.

On motion of Mr. Floyd, the Senate adjourned until 9 o'clock tomorrow morning.

THOS. FLETCHER,
President.

* * *

TUESDAY, *February* 8, 1859.

The Senate met pursuant to adjournment.

Prayer by the chaplain.

Roll called.

PRESENT—Messrs. Carrigan, Clark, Craighead, Davies, Douglas, Floyd, Gaines, Gould, Hammond, Jones, Marshall, McCreery, McColloch, Mecklin, Pennington, Redmond, Rosson, Stirman, Terry, Trimble, Watkins, Williams and Mr. President—23.

The journal of yesterday was read, approved and signed.

On motion of Mr. Floyd, the regular order of business was dispensed with, and reports from standing committees made in order.

Mr. Gaines, from the committee on the judiciary, made the following

REPORT:

Mr. PRESIDENT—

The judiciary committee, to whom was referred Senate bill No. 186, to be entitled "an act to incorporate the Jefferson Female College," have considered the same, and instruct me to report it back and recommend its passage, with an amendment, striking out the 4th section.

GAINES,
Chairman.

On motion of Mr. Gaines, the report was adopted, and the 4th section of the bill thereby stricken out, and

On his further motion, the bill was read the third time, by title, and passed.

The following message was received from the House of Representatives by their clerk:

Mr. President—

I am instructed to inform your honorable body that the House of Representatives have passed the following House bills, to-wit:

No. 40, to be entitled "an act to regulate the fees of witnesses."

No. 110, to be entitled "an act to amend the law concerning creditors' bills, attachments and garnishments."

No. 111, to be entitled "an act to repeal, in part an act entitled 'an act declaring Little Red river a navigable stream,' approved 30th December, 1844."

Engrossed House bill No. 117, to be entitled "an act to repeal section 53, chapter 148, of Gould's Digest."

No. 122, to be entitled "an act concerning suits against the state."

No. 123, to be entitled "an act concerning the internal improvement fund of White county, Arkansas."

No. 167, to be entitled "an act to amend section 23, chapter 68, of the Digest of 1858, under head of 'Executions.'"

No. 232, to be entitled "an act to change the manner of assessing the taxable property belonging to non-residents, and for other purposes, in the county of Mississippi."

No. 284, to be entitled "an act to incorporate the Female Academy of St. Ann, near Fort Smith."

No. 129, to be entitled "an act to refund to the common school fund of Lafayette county money improperly paid into the state or county treasury."

No. 278, to be entitled "an act to create the office of clerk and recorder for the counties of Lafayette and Washington, and for other purposes."

No. 348, to be entitled "an act to incorporate the Hopeville Male Academy, in the counties of Dallas and Calhoun."

No. 347, to be entitled "an act fixing an annual salary for county and probate judges of Crittenden and St. Francis counties, and for other purposes."

No. 342, to be entitled "an act to give the county and probate judge of Union county a regular salary, and to increase the pay of associate justices of said county, and for other purposes."

No. 345, to be entitled "an act to aid in the enforcement of the road law."

No. 344, to be entitled "an act to amend the common school system, and for other purposes."

No. 346, to be entitled "an act to grant a charter to Hiram Brodie to build a turnpike road in the counties of Crawford and Washington."

No. 341, to be entitled "an act declaring St. Mary's Lake, in Union county, a navigable stream."

No. 340, to be entitled "an act to prohibit the sale of ardent spirits within three miles of Union Male and Female Academy."

No. 337, to be entitled "an act to compel the collectors of revenue to describe the lands on which taxes have been paid."

No. 339, to be entitled "an act to define the time of holding the circuit courts in Drew, Crawford and Scott counties."

Said twenty-one bills are herewith transmitted for the assent of your honorable body, which is respectfully asked.

The House of Representatives have adopted joint resolution No. 60, relative to the Louisiana, Arkansas and Texas Navigation Company.

Said joint resolution is herewith transmitted for the concurrence of your honorable body, which is respectfully asked.

The House of Representatives have ratified the proposed amendments to the constitution of the State of Arkansas, by the General Assembly, at its session of 1856.

Said two ratified amendments, originating in your honorable body, are herewith returned.

S. M. SCOTT, *Clerk of*
House of Reprcsentatives.

Mr. Trimble, from the committee on enrollments, made the following

REPORT:

Mr. President—

The committee on enrollments have examined House bill No. 77, to incorporate the town of Warren, in Bradley county.

Also, House bill No. 269.

Also, House bill No. 302.

Also, House bill No. 279, to aid in the construction of railroads in Pulaski county.

Also, House bill No. 275.

Also, House bill No. 277.

Also, House bill No. 281, to amend the charter of the city of Little Rock.

Also, House bill No. 312.

Also, House bill No. 288.

Also, House bill No. 290, to charter St. Charles Academy.

Also, House bill No. 303, to incorporate the Magnolia Female Institute.

Also, Senate bill No. 128.

Also, Senate bill No. 145.

Also, Senate bill No. 87.

Also, Senate bill No. 79.

Also, Senate bill No. 75.

Also, Senate bill No. 74, an act to authorize the clerk of Greene county to transcribe certain records.

Also, Senate bill No. 99, an act to charter the Central Pacific Telegraph Company.

Also, Senate bill No. 64.

Also, Senate bill No. 96, to incorporate the Hampton Male and Female Academy.

Also, Senate joint resolution, relative to the overland mail to the Pacific ocean; and have instructed me to report the same correctly enrolled.

J. S. TRIMBLE,
Chairman.

Mr. Gaines, from the committee on the judiciary, made the following

REPORT:

Mr. President—

The judiciary committee, to whom was referred House bill No. 239, to be entitled "an act to incorporate the town of Madison, in St. Francis county," have had the same under consideration, and have instructed me to report the same back to the Senate, and recommend its passage.

GAINES,
Chairman.

Which report was read and received, and

On motion of Mr. Jones, the bill was read the third time, by title, and passed.

Mr. Gaines, further from the same committee, made the following

REPORT:

Mr. President—

The committee on the judiciary, to whom was referred House bill No. 250, to be entitled "an act to authorize the sale of certain lands belonging to the estate of James M. Matlock, deceased," have had the same under consideration, and have instructed me to report it back to the Senate, and recommend its rejection.

GAINES,
Chairman

Which report was read, and

On motion of Mr. Watkins adopted, and the bill thereby rejected.

Mr. Gaines further, from the same committee, made the following

REPORT:

Mr. President—

The judiciary committee, to whom was referred Senate bill No. 168, to be entitled "an act to sell and confirm title to certain lands in Conway county, Arkansas," have had the same under consideration, and have instructed me to report it back to the Senate, and recommend its rejection.

GAINES,
Chairman.

Which report was read, and

On motion of Mr. Watkins, adopted, and the bill thereby rejected.

Mr. Gaines, further, from the same committee, made the following

REPORT:

Mr. President—

The judiciary committee, to whom was referred House bill No. 205, to be entitled "an act for the relief of Hannah Shanks," have had the same under consideration, and instruct me to report it back to the Senate, and recommend its rejection.

GAINES,
Chairman.

Which report was read, and

On motion of Mr. Gaines, adopted, and the bill thereby rejected.

Mr. Gaines, further from the same committee, made the following

REPORT:

Mr. President—

The judiciary committee, to whom was referred House bill No. 285, entitled "an act to repeal an act approved 30th November, 1854, entitled 'an act authorizing the sale of the 16th section, in township 6, north of range 9 east, in Crittenden county, and for other purposes,'" have had the same under consideration, and have instructed me to report the same back to the Senate, and to recommend its passage.

GAINES,
Chairman.

Which report was read and received, and the bill ordered to take its course under the rules.

Mr. Gaines, further from the same committee, made the following

REPORT:

Mr. President—

The judiciary committee, to whom was referred House bill No. 75, entitled " an act to provide for the purchase and distribution of one hundred copies of English's Digest of the reports of the decisions of the Supreme Court of the State of Arkansas," have had the same under consideration, and a majority of said committee have instructed me to report it back to the Senate and recommend its passage.

GAINES,
Chairman.

Which report was read and received, and

On motion of Mr. Floyd, the bill was read the third time, and, Mr. Watkins demanded the yeas and nays on its passage, which was sustained, and the roll called:

Yeas—Messrs. Clark, Davies, Floyd, Gaines, Gould, Jones, McColloch, Stirman and Mr. President—9.

Nays—Messrs. Carrigan, Douglas, Hammond, Marshall, McCreery, Mecklin, Pennington, Redmond, Rosson, Terry, Trimble, Watkins and Williams—13.

So the bill did not pass.

Mr. Gaines, from a select committee, made the following

REPORT:

Mr. President—

The select committee to whom was recommitted Senate bill No. 108, to be entitled " an act to provide for the further prosecution of the geological, mineralogical and chemical survey of the State of Arkansas, in connection with an agricultural and botanical survey of said state," have considered the same, and instruct me to report it back to the Senate, and recommend that it be amended by striking out the words "seven thousand and two hundred," and inserting instead thereof the words "four thousand and seven hundred;" and, with the amendment, recommend the passage of the bill.

GAINES,
Chairman.

Which report was read, and

Mr. Douglas from the same committee presented the following minority

REPORT:

Mr. PRESINENT—

The undersigned, minority of the committee on the geological survey, beg leave to dissent from the report of the majority which recommends the passage of Senate bill No. 108, for the reason :

1st. That the State is still largely indebted, and the principles of justice and equity, as well as the principles of honor, would seem to require that a sinking fund should be established for the payment of that debt as fast as it becomes due, and your minority are of opinion that the State will not be able to do this without a large increase of the rate of taxation if such heavy draws are made upon the treasury as this bill proposes, in addition to others which must necessarily be made in order to meet the ordinary expenses of the State government.

2nd. Because that, however much your minority may be in favor of the beautiful science of geology, and however much they might be pleased with the completion of the geological survey of the State, still, they are of the opinion that it is but a *secondary* object, and ought, therefore, to give place to others of vastly more importance, such as the building of railroads through the State, and which, your minority believe, would have the effect, of themselves, to develope the mineral resources of the State, which cannot *now* be made profitable to mining companies for want of the ordinary means of transportation.

Your minority therefore recommend the rejection of the said Senate bill No. 108.

All of which is respectfully submitted.

M. DOUGLAS,
J. F. DAVIES,
J. B. McCOLLOCH.

On motion of Mr. Gaines the majority report was adopted, which was considered the adoption of the amendment recommended by said report.

Mr. Davies moved to amend the bill as amended by striking out the words "four thousand and seven hundred" in the 11th section and inserting "five hundred" instead of the same.

After some debate Mr. Davies called for the yeas and nays on the adoption of his amendment, which called was sustained and ordered, with the following result:

YEAS—Messrs. Craighead, Davies, Douglas, Jones, Marshall McColloch, Redmond, Stirman and Williams—9.

NAYS—Messrs. Carrigan, Clark, Floyd, Gaines, Gould, Hammond, McCreery, Mecklin, Pennington, Rosson, Terry, Trimble, Watkins and Mr. President—14.

So the amendment was lost.

Mr. Terry offered to amend the bill by striking out all after the words "under oath" in the 7th line of the 11th section, and inserting the words "and that six thousand dollars per annum for two years be appropriated out of any money in the treasury not otherwise appropriated for carrying on the geological survey of the State of Arkansas and all other acts of appropriation for said purpose are hereby repealed."

Mr. Rosson offered to amend the amendment by adding the words and that all that portion of the bill which relates to an agricultural and botanical survey of State be stricken out.

Which was accepted by Mr. Terry as a part of his amendment.

Stirman offered to amend the amended amendment, by striking out the words "six thousand" and inserting "eight thousand" in lieu thereof.

Mr. Terry moved to postpone Mr. Stirman's amendment indefinitely and called for the yeas and nays which call was sustained and ordered.

YEAS—Messrs. Craighead, Davies, Douglas, Gould, Marshall, McColloch, Pennington, Redmond, Rosson, Terry, Trimble, Watkins, Williams and Mr. President—14.

NAYS—Messrs. Carrigan, Clark, Floyd, Gaines, Hammond, Jones, McCreery, Mecklin and Stirman—9.

So the amendment was lost.

Mr. Terry asked for a division of his amendment, which the Senate agreed to, and the question being upon the adoption of the amendment to the amendment offered by Mr. Rosson, he demanded the yeas and nays thereon, which demand was sustained, and the roll called.

YEAS—Messrs. Douglas, Gould, Jones, Marshall, Rosson, Watkins and Williams—7.

NAYS—Messrs. Carrigan, Clark, Craighead, Davies, Floyd, Gaines, Hammond, McCreery, McColloch, Mecklin, Pennington, Redmond, Stirman, Terry, Trimble and Mr. President—16.

So the amendment offered by Mr. Rosson and accepted by Mr. Terry was lost on the division.

Mr. Gaines offered to amend the amendment offered by Mr. Terry as it stood which the chair decided out of order, there having been a division of the question on the adoption of the amendment, and the vote having been taken on one branch of it.

Mr. Terry called for the ayes and nays on the adoption of his amendment, which call was sustained and ordered.

YEAS—Messrs. Craighead, Davies, Douglas, Gould, Jones, Marshall, McColloch, Pennington, Redmond, Rosson, Terry, Watkins and Williams—13.

NAYS—Messrs. Carrigan, Clark, Floyd, Gaines, Hammond, McCreery, Mecklin, Stirman, Trimble, and Mr. President—10.

So the amendment was adopted.

On motion of Mr. Floyd the bill was read the third time as amended.

Mr. Rosson moved to recommit the bill, but after some discussion, withdrew his motion, when,

Mr. Watkins moved to reconsider the vote ordering the bill to its third reading, on which motion

Mr. Floyd called for the yeas and nays, which call was sustained and ordered.

Yeas—Messrs. Craighead, Davies, Douglas, Gould, Jones, Marshall, Rosson, Terry, Trimble, Watkins and Williams—11.

Nays—Messrs. Carrigan, Clark, Floyd, Gaines, Hammond, McCreery, Mecklin, Pennington, Redmond, Stirman and Mr. President—11.

So the motion to reconsider was lost.

Mr. Davis moved to recommit the bill, on which motion, Mr. Floyd demanded the yeas and nays, which demand was sustained, and the roll called.

Nays—Messrs. Craighead, Davies, Douglas, Gould, Jones, Marshall, Rosson, Terry, Trimble, Watkins and Williams—11.

Yeas—Messrs. Carrigan, Clark, Floyd, Gaines, Hammond, McCreery, Mecklin, Pennington, Redmond, Stirman and Mr. President—11.

So the motion to recommit was lost.

Mr. Floyd demanded the yeas and nays on the passage of the bill, which demand was sustained, and the call ordered.

Yeas—Messrs. Carrigan, Clark, Floyd, Gaines, Gould, Hammond, McCreery, Mecklin, Pennington, Redmond, Stirman, Trimble and Mr. President—13.

Nays—Messrs. Craighead, Davies, Douglas, Jones, Marshall, Rosson, Terry, Watkins and Williams—9.

So the bill passed.

Mr. Trimble from the committee on enrollments made the following

REPORT:

Mr. President—

The committee on enrollments did on the 5th inst., hand to the governor for his approval, House bill No. 77, to incorporate the town of Warren, in Bradley county.

Also, House bill No. 269.

Also, House bill No. 302.

Alos, House bill No. 279, to aid in the construction of railroads in Pulaski county.

Also, House bill No. 275.

Also, House bill No. 277.

Also, House bill No. 281, to amend the charter of the City of Little Rock.

Also, House bill No. 312.

Also, House bill No. 288.

Also, House bill No. 290, to charter St. Charles Academy.

Also, House bill No. 303, to incorporate the Magnolia Female Institute.

Also, Senate bill No. 128.

Also, Senate bill No. 145.

Also, Senate bill No. 87.

Also, Senate bill No. 79.

Also, Senate bill No. 75.

Also, Senate bill No. 74. to authorize the clerk of Greene county to transcribe certain records.

Also, Senate bill No. 99, to charter the central Pacific Telegraph company.

Also, Senate bill No. 64.

Also, Senate bill No. 96, to incorporate the Hampton Male and Female Academy.

Also, Senate joint resolution, relative to the over land mail to the Pacific ocean; and have instructed me to report the same.

J. S. TRIMBLE,
Chairman.

On motion of Mr. Floyd the Senate adjourned until 9 o'clock, to-morow morning.

THOS. FLETCHER,
President.

WEDNESDAY, *February* 9, 1859.

The Senate met pursuant to adjournment.

Prayer by the chaplain.

The roll was called and the following senators were present:

PRESENT—Messrs. Askew, Carrigan, Clark, Craighead, Davies, Douglas, Floyd, Gaines, Gould, Hammond, Jones, Marshall, McCreery, McColloch, Mecklin, Pennington, Rosson, Stirman, Terry, Trimble, Watkins, Wiliams and Mr. President—23.

The journal of yesterday was read, approved and signed.

Mr. Gould asked to have his vote on the passage of Senate bill No. 108, to be entitled "an act to provide for the further prosecution of the geological, mineralogical and chemical survey of the State of Arkansas, in connection with an agricultural and botanical survey of said State," changed from the affirmative to the negative.

Mr. Gaines objected, and Mr. Gould then moved to reconsider the vote on the passage of the bill.

Which motion was lost.

Mr. Williams moved to dispense with the regular order of business, and take up House bills on their second reading.

Which motion was lost.

Mr. President from the chair made the following announcement.

To the Honorable members of the Senate:

Since the adoption of the report of a majority of the judiciary committee, declaring that the members of the Senate are entitled to per diem pay during the recess in the present session of the General Assembly, I have been presented with the account of a member, "for his services as a member of the General Assembly of the State of Arkansas" from the 23d day of December, 1858, to the 7th Feruary, 1859, embracing the recess and which I am required to certify. I have declined doing so from a conviction that it is not correct in law or fact. The expression of the opinion of the majority of the judiciary committee and its adoption by the Senate by a vote of 15 to 6 make it more painful in differing with my brother senators. Rather than sign the certificates under such circumstances, I would consider it my duty to resign my position as presiding officer, conferred by your generous confidence, should it be required at your hands. Members are entitled to their mileage in travelling to and from their residences, in obedience to the proclamation of the governor, which will be certified, but not the per diem for services not rendered, and at a time when the general assembly was not in session. The adoption of the majority report of the committee does not change or modify the law in reference to the compensation of members, or exonorate me in the performance of an act, which I deem illegal, and which would in part defeat the very object that prompted the Executive of the State to adjourn the general assembly by his proclamation.

THOS. FLETCHER,
President of the Senate.

Reports from standing committees were in order.

Mr. Trimble, from the committee on enrollments, made the following

REPORT:

Mr. President—

The committee on enrollments have examined Senate joint resolution No. 28.

Also, Senate bill No. 137.

Alro, Senate bill No. 122, an act to change the name of Josephine Kate Morrow, to that of Josephine Kate Rushing, and constitute her a lawful heir of E. D. Rushing, of Independence county.

Also, Senate bill No. 124.

Also, Senate bill No. 84.

Also, Senate bill No. 136.

Also, Senate bill No. 97.

Also, Senate bill No. 131.

Also, Senate bill No. 95.

Also substitute for Senate joint resolution No. 28.

Also, House joint resolution No. 2, relative to a mail route from Batesville to Fayetteville.

Also, House bill No. 4, to prevent the people from being defrauded with bank paper.

Also, House bill No. 11, an act to fix the pay of jurors.

Also, House bill No. 310, to incorporate the town of Clarendon, in Monroe county, Arkansas.

Also, House bill No. 90.

Also, House bill No. 300, to incorporate the town of Hopefield, in Crittenden county, Arkansas; and have instructed me to report the same correctly enrolled.

J. S. TRIMBLE,
Chairman.

Mr. Hammond, from the committee on swamp and overflowed lands, made the following

REPORT:

Mr. President—

The committee on swamp and overflowed lands to whom was referred Senate bill No. 165, to be entitled " an act for the relief of Dogan, Duke & Co., have had the same under consideration, and have instructed me to report a substitute for said bill, and recommend its passage.

HAMMOND,
Chairman.

Which report and substitute were received, and

On motion of Mr. Hammond, the substitute was adopted in lieu of the original bill.

On his further motion, the rules were twice suspended, the substitute bill read the second and third times and passed, with the following title: A bill to be entitled "an act for the relief of Dogan, Duke & Co."

The following Message was received from the House of Representatives by their clerk:

Mr. President—

I am instructed to inform your honorable body that the House of Representatives have amended and assented to Senate bill No. 115, to be entitled "an act to provide for the management and control of the penitentiary."

Said bill is herewith returned, and the amendments transmitted for the concurrence of your honorable body, which is respectfully asked.

The House of Representatives have rejected Senate bill No. 33, to be entitled "an act for the promotion of the agricultural and mechanical interests of this state."'

Said bill is herewith returned.

The House of Representatives have passed the following House bills, to-wit:

No. 324, to be entitled "an act to relieve Randolph county, Arkansas, from the operations of the 20th, 21st and 22d sections of chapter 44 of Gould's Digest of the Statutes of Arkansas."

No. 349, to be entitled "an act to incorporate the town of West Point, in White county."

No. 218, to be entitled "an act to provide for taking depositions of female witnesses."

No. 351, to be entitled "an act concerning revenue, and for other purposes."

No. 352, to be entitled "an act to legalize the sale of section 16, in township 8, south of range 21 west."

No. 353, to be entitled "an act to extend the time for collecting the revenue for 1858 in Sebastian county, and for other purposes."

No. 355, to be entitled "an act to authorize the county court of Crawford county to levy a county tax, and for other purposes."

No. 356, to be entitled "an act to remove the administration of the estate of Thomas H. Campbell, deceased from Crittenden to St. Francis county, Arkansas."

No. 256, to be entitled "an act concerning suits in ejectment."

Said nine House bills are herewith transmitted for the assent of your honorable body, which is respectfully asked.

S. M. SCOTT, *Clerk of*
House of Representatives.

Mr. Hammond, from the committee on swamp and overflowed lands, made the following

REPORT:

Mr. PRESIDENT—

The committee on swamp and overflowed lands, to whom was referred Senate bill No. 55, to be entitled "an act to enable the land agents to issue certificates in certain cases, and for other purposes," have had the same under consideration, and instruct me to report it back to the Senate, with two amendments, and, being so amended, to recommend its passage.

HAMMOND,
Chairman.

AMENDMENTS:

Amend by inserting the words "or agents" after the word "commissioners," wherever it occurs in the bill.

Also, by an additional section, to-wit:

Sec. –. The holders of refunding certificates which have been taken in adjusting titles to land under existing laws, which land has not been confirmed, shall have the same right to purchase the land for which they hold refunding certificates as is contemplated and provided for in this act; *Provided*, That this act shall not interfere with any person who is entitled to pre-emptions; *And provided, also*, That the holder of said refunding certificate has not withdrawn his scrip out of the treasury.

Which report was read and received, and

On motion of Mr. Hammond, the amendments were adopted.

On motion of Mr. Rosson, the bill was read the third time, as amended, and passed.

Mr. Stirman asked and obtained leave of absence for Mr. Redmond on account of sickness.

Mr. Hammond, from the committee on swamp and overflowed lands, made the following

REPORT:

Mr. President—

The committee on swamp and overflowed lands to whom was referred Senate bill No. 188, to be entitled "an act for the relief of purchasers of swamp land at any of the U. S. land offices," have had the same under consideration, and have instructed me to report the same back, and recommend its passage.

HAMMOND,
Chairman.

Which report was read and received, and

On motion of Mr. Terry, the bill was read the third time and passed.

Mr. Hammond, further from the same committee, made the following

REPORT:

Mr. President—

The committee on swamp and overflowed lands, to whom was referred House bill No. 267, to be entitled "an act to amend the pre-emption laws of this state," have had the same under consideration, and instruct me to report it back, and recommend its passage.

HAMMOND,
Chairman.

Which report was read and received.

Mr. Clark offered to amend the bill by adding the following proviso to the 2d section, viz:

Provided, That all persons entitled to pre-emptions under existing laws, shall have the right to pay for such land, on which they have such pre-emption, at the rate of ten cents per acre.

Mr. Hammond moved the indefinite postponement of the amendment.

On which motion Mr. Clark called for the yeas and nays; which was sustained, and ordered:

YEAS—Messrs. Craighead, Floyd, Gaines, Gould, Hammond, Jones, Mecklin, Pennington, Rosson, Stirman, Terry, Trimble and Mr. President—13.

NAYS—Messrs. Askew, Carrigan, Clark, Davies, Douglas, Marshall, McCreery, McColloch, Watkins and Williams—10.

So the amendment was indefinitely postponed.

Mr. Carrigan then offered to amend by adding the following *proviso* to the 2d section of the bill, viz:

Provided, That all persons entitled to any pre-emption under existing laws, shall be permitted to enter the land on which they have a pre-emption at the rate of twenty-five cents per acre.

Mr. Gould offered to amend the amendment by adding this proviso:

Provided, That no person but the original settler or cultivator shall have the benefit of this act.

Which was accepted by Mr. Carrigan, and made part of his amendment.

Mr. Hammond moved to postpone the amendment as amended indefinitely.

On which motion, Mr. Clark called for the yeas and nays; which was sustained and ordered:

YEAS—Messrs. Craighead, Gaines, Hammond, Jones, Mecklin, Rosson, Stirman, Terry, Trimble and Mr. President—10.

NAYS—Messrs. Askew, Carrigan, Clark, Davies, Douglas, Floyd, Gould, Marshall, McCreery, McColloch, Pennington, Watkins and Williams—13.

So the motion was lost.

Mr. Rosson was called to the chair.

Mr. Trimble moved to strike out the words "or cultivator" in the amendment.

Which motion was lost.

Mr. Clark moved to adopt the amendment as amended, and called for the yeas and nays thereon, which being sustained, the roll was called:

YEAS—Messrs. Askew, Carrigan, Clark, Davies, Douglas, Floyd, Gould, Marshall, McCreery, McColloch, Pennington, Stirman, Watkins and Williams—14.

NAYS—Messrs. Craighead, Gaines, Hammond, Jones, Mecklin, Rosson, Terry, Trimble and Mr. President—9.

So the amendment as amended was adopted.

Mr. Stirman offered to amend by adding the following proviso to the bill, viz:

Provided, That nothing contained in this act shall apply to or change the price of swamp lands in the Helena swamp land district.

Mr. Carrigan moved the indefinite postponement of the amendment.

On which motion Mr. Stirman called for the yeas and nays; which call was sustained and ordered:

Yeas—Messrs. Askew. Carrigan, Clark, Craighead, Davies, Douglas, Floyd, Gould, Hammond, Jones, Marshall, McCreery, McColloch, Mecklin, Terry, Trimble, Watkins, Williams and Mr. President—19.

Nays—Messrs. Gaines, Pennington, Rosson, and Stirman—4.

So the amendment was indefinitely postponed.

Mr. Pennington offered to amend by striking out the third section of the bill and inserting the following:

That all persons claiming pre-emptions under this act shall be entitled to one hundred and sixty acres.

Which on motion of Mr. Terry was adopted.

On motion of Mr. Rosson the words "twenty-five" in the first section of the bill, were stricken out and "one hundred" inserted instead thereof.

Mr Pennington offered the following additional proviso to the 2nd section:

And, *Provided further*, that any person who may hereafter make such settlement or improvement on any of said lands, he or she shall be entitled to the benefits of this act.

Mr. Rosson moved to lay the amendment on the table, and Mr. Pennington call for the yeas and nays thereon, which was sustained and the roll called.

Yeas—Messrs. Askew, Craighead, Gaines, Hammond, Jones, Rosson, Terry, Trimble and Mr. President—9.

Nays—Messrs. Carrigan, Clark, Davies, Douglas, Floyd, Gould, Marshall, McCreery, McColloch, Mecklin, Pennington, Stirman, Watkins and Williams—14.

So the motion to lay the amendment on the table was lost, and thereupon,

On motion of Mr. Clark it was adopted.

On motion of Mr. Rosson the Senate took a recess until 2½ o'clock, p. m.

2½ o'clock, p. m.

The Senate convened.

Roll called:

Present—Messrs. Askew, Carrigan, Clark, Craighead, Davies, Douglas, Floyd, Gaines, Gould, Hammond, Marshall, McCreery, McColloch, Mecklin, Pennington, Rosson, Trimble, Watkins, Williams and Mr. President—20.

The Senate resumed the consideration of House bill No. 267, to be entitled "an act to amend the pre-emption laws of this State" and Mr. Gould offered to amend by the following additional sections to-wit:

SECTION — *Be it further enacted*, That before any person shall be permitted to make an entry of land under this act, such person shall in addition to the pre-emption oath now required by law be required to make and subscribe and affidavit in the following form:

STATE OF ARKANSAS,
County of———

I ——— do solemly swear that the land which I now apply for and desire to enter, is for my own use and benefit, and not for the use and benefit of another, and that I have not directly or indirectly agreed to sell or convey the same to any other person.

Sworn to and subscribed,
before me this —— ——.

SEC. — *Be it further enacted*, That every person who shall swear falsely in the premises shall be deemed guilty of perjury and upon conviction shall be punished accordingly, and the land so entered, in whosoever hand the same may be, as well as the purchase money for the same, shall be forfeited to the State, and shall besubject to entry by any other person.

Which amendment was read, when Mr. Floyd moved its adoption, on which motion Mr. Gaines demanded the yeas and nays and the demand being sustained the roll was called.

YEAS—Messrs Carrigan, Clark, Craighead, Davies, Douglas, Floyd, Gould, Hammond, Marshall, McColloch, Pennington, Rosson, Trimble, Watkins, Williams and Mr. President—16.

NAYS—Messrs. Askew, Gaines, McCreery and Mecklin—4.

So the amendment was adopted.

Mr. Askew moved to recommit the bill to the committee on swamp and overflowed lands, on which motion Mr. Floyd called for the yeas any nays, which was sustained and ordered.

YEAS—Messrs. Askew, Craighead, Gaines, Jones, McCreery, Mecklin, Rosson, Terry and Mr. President—9.

NAYS—Messrs. Carrigan, Clark, Davies, Douglas, Floyd, Gould, Hammond, Marshall, McColloch, Pennington, Trimble, Watkins and Williams—13.

So the motion to recommit was lost.

Mr. Clark, moved to read the bill the third time and place it on its passage.

On which motion Mr. Floyd demanded the yeas and nays and the demand being sustained the roll was called.

YEAS—Messrs. Carrigan, Clark, Davies, Douglas, Floyd, Gould, Hammond, Marshall, McColloch, Pennington, Watkins and Williams—12.

Nays—Messrs. Askew, Craighead, Gaines, Jones, McCreery, Mecklin, Rosson, Terry, Trimble and Mr. President—10.

So the bill was read the third time and Mr. Floyd called for the yeas and nays on its passage, which being sustained the call was ordered.

Yeas—Messrs. Carrigan, Clark, Davies, Douglas, Floyd, Gould, Marshall, McColloch, Pennington, Watkins and Williams—11.

Nays—Messrs. Askew, Craighead, Gaines, Hammond, Jones, McCreary, Mecklin, Rosson, Stirman, Terry, Trimble and Mr. President—12.

So the bill did not passed.

The following message was received from the Governor:

Mr. President—

I am instructed by the governor to report to the Senate of the General Assembly of the State of Arkansas, that on the 8th February, 1859, he approved and signed "An act to incorporate the President and Trustees of the Chambersville Male and Female Academies in Calhoun county, and to prevent the sale of spirituous liquors within two miles of the town of Chambersville."

"An act to change the name of Josephine Kate Morrow to that of Josephine Kate Rushing, and to constitute her a lawful heir of E. D. Rushing, of Independence county."

"An act to repeal an act to authorize the county courts of Sebastian, Crawford and Franklin counties to appoint a county attorney, approved, 15th January, 1857, so far as the same relates to Sebastian county."

"An act explanatory of the twenty-third section of chapter sixty-second of the digest under the head of elections."

"And act to permit the Memphis and Little Rock railroad company and the Little Rock and Fort Smith railroad company to consolidate said companies, into one company, to be known and called the Central Pacific Railroad company."

"An act to constitute certain acts of individuals high misdemeanors."

"Whereas, Thomas B. Walter, late of Prairie county, deceased, had but a short time prior to his death removed across the line of Monroe and Prairie counties, and whereas the principal friends and acquaintances of the widow of the said Thomas B. Walter, reside in Prairie county, and whereas, it is much more convenient for her to attend court and give bond in Prairie county."

"An act to entitled an act to amend section fifteen of chapter one hundred an one of Gould's digest."

Also, two jont resolutions, one appropriating $303 50, to pay the funeral transit and burial expenses of the Hon. B. H. Smithson, the other relative to the appointment of mail agents on the White river mail route.

A. H. RUTHERFORD,
Acting Private Secretary.

Mr. Hammond from the committee on swamp and overflowed lands made the following

REPORT:

Mr. President—

The committee on swamp and overflowed lands to whom was referred Senate bill No. 132, to be entitled "an act to compensate locating agents for selecting swamp lands have had it under consideration and have instructed me to report a substitute for the same and recommend its passage.

HAMMOND,
Chairman.

Which report was received.

On motion of Mr. Floyd the substitute was adopted in lieu of the original bill.

On his further motion the rules were twice suspended, the bill read the second and third times and passed with the following title: A bill to be entitled "an act to compensate locating agents for selecting swamp lands."

Mr. Hammond further from the same committee made the following

REPORT:

Mr. President—

The committee on swamp and overflowed lands to whom was referred Senate bill No. 71, to be entitled "an act for the relief of George T. Yocoum and John Yocoum of Greene county have had the same under consideration and instruct me to report it back and recommend its passage.

HAMMOND,
Chairman.

Which was read and received.

On motion of Mr. Davies the bill was read the third time and passed.

Mr. Hammond, further from the same committee made the following

REPORT:

Mr. President—

The committee on swamp and overflowed lands to whom was referred Senate bill No. 194, to be entitled "an act for the relief of George Williams of Yell county, have had the same under consideration and instruct me to report a substitute for said bill, and recommend its passage.

HAMMOND,
Chaivman.

Which reporth was read and received.

On motion of Mr. Hammond the substitute was adopted in lieu of the original bill, and

On his further motion the rules were twice suspended, the bill read the second and third times, by title, and passed by the following title: a bill to be entitled, "an act for the relief of George Williams of Yell county."

Mr. Hammond further from the same committee made the following

REPORT:

MR. PRESIDENT—

The committee on swamp and overflowed lands to whom was referred Senate bill No. 135. To be entitled an act to create an additional swamp land district and for other purposes have had the same under consideration and a majority of said committee have instructed me to report the same back and recommend its passage.

HAMMOND,
Chairman.

Which report was read and received.

On motion Mr. Rosson the bill was indefinitely postponed.

Mr. Clark from the committee on education made the following

REPORT:

MR. PRESIDENT—

The committee on education to whom was referred House bill No. 249, to be entitled an act to change the common school system for Drew, Franklin, Yell and Montgomery counties, have had the same nnder consideration and have instructed me to report the same back to the Senate and recommend its passage.

CLARK,
Chairman.

Which report was read, and received, and

On motion of Mr. Floyd the bill was read the third time and passed.

Mr. Clark further from the same committee made the following

REPORT:

MR. PRESIDENT—

The committee on education to whom was referred House bill No. 286, to be entitled "an act to authorize and require the common school commissioner of Monroe county, Arkansas to sell section 16, township 1, south range 2 west of the

5th principal meridian have had the same under consideration and instruct me to report it back to the Senate and recommend its passage.

CLARK,
Chairman.

Which report was read and received, and

On motion of Mr. Clark the bill was read the third time, and passed.

Mr. Clark further from the same committee made the following

REPORT:

Mr. President—

The committee on education to whom was referred the petition of the citizens of township 17, north range nineteen west have had the same under consideration and have instructed me to report a bill to be entitled "an act to authorize the common school commissioner of Carroll county, to sell, for what it will bring, the 16th section in township 17, north range 19 west, in Carroll county, Arkansas, and to recommend its passage.

CLARK,
Chairman.

Which report was read, and received, and the bill read the first time.

On motion of Mr. Watkins, the rules were twice suspended, the bill read the second and third times, by title, and passed.

Mr. Clark, further from the same committee made the following

REPORT:

Mr. President—

The committee on education, to whom was referred House bill No. 301, to be entitled "an act to prevent the sale of school lands in certain cases, have had the same under consideration, and have instructed me to report the same back, and recommend its passage.

CLARK,
Chairman.

Which report was read and received, and

On motion of Mr. Clark, the bill was read the third time and passed.

Mr. Clark, further from the same committee made the following

REPORT:

Mr. President—

The committee on education, to whom was referred Senate bill No. 134, to be entitled "an act to require the commissioners of common schools of the several counties, to settle with the county courts annually," have had the same under consideration, and have instructed me to report the same back to the Senate, and recommend its passage.

CLARK,
Chairman.

Which report was read and received, and

On motion of Mr. Clark, the bill was read the third time and passed.

Mr. Gaines, from the committee on the judiciary, made the following

REPORT:

Mr. President—

The judiciary committee, to whom was referred House bill No. 106, to be entitled " an act for the relief of Mrs. Phanuel C. Lewis, of Chicot county, have had the same under consideration, and instruct me to report it back to the Senate and recommend its passage.

GAINES,
Chairman.

Which report was read and received, and

On motion of Mr. Clark, the bill was read the third time and passed.

Mr. Trimble, from the committee on enrollments, made the following

REPORT:

Mr. President—

The committee on enrollments did, on the 8th inst., hand to the governor for his approval, Senate joint resolution No. 28.

Also, Senate bill No. 137.

Also, Senate bill No. 122.

Also, Senate bill No. 124.

Also, Senate bill No. 84.

Also, Senate bill No. 136.

Also, Senate bill No. 97.

Also, Senate bill No. 131.

Also, Senate bill No. 95.

Also, Senate substitute for Senate joint resolution No. 28.

Also House joint resolution No. 2, relative to a mail route from Batesville to Fayetteville.

Also, House bill No. 4, to prevent the people from being defrauded with bank paper.

Also, House bill No. 11, an act to fix the pay of jurors.

Also, House bill No. 310, to incorporate the town of Clarendon, in Monroe county.

Also, House bill No. 90.

Also, House bill No. 300, to incorporate the town of Hopefield, in Crittenden county; and have instructed me to report the same.

J. S. TRIMBLE,
Chairman.

On motion of Mr. Hammond, the Senate adjourned until 9 o'clock to-morrow morning.

THOS. FLETCHER,
President.

Thursday, *February* 10, 1859.

The Senate met pursuant to adjournment.

Prayer by the chaplain.

Roll called.

Present—Messrs. Askew, Carrigan, Clark, Craighead, Davies, Douglas, Floyd, Gaines, Gould, Hammond, Jones, Marshall, McCreery, McColloch, Mecklin, Pennington, Rosson, Stirman, Terry, Trimble, Watkins, Williams and Mr. President—23.

The journal of yesterday was read, approved and signed.

Petitions from counties were in order.

Mr. Trimble presented the petition of twelve citizens of Independence county, representing that, in the year 1857, one Lewis Naylor, a free negro, died in said county, seized of property to the amount of three or four hundred dollars, consisting in land and personal property; that said Lewis was little, if any, in debt, at his death; that he had no heirs in this state; that he has one surviving brother, a resident of Prince Williams county, Virginia, who is also a free negro, whose name is Samuel Naylor, and who has made out and forwarded to C. W. Waugh, of Independence county, a power of attorney, regularly authenticated, empowering said Waugh to represent said Samuel in the premises: the petitioners therefore request the passage of an act by the legislature, vesting title to the land in Charles W. Waugh, or some other person, and giving him full power and authority to take in charge said estate, for the use and benefit of said Naylor.

Which petition was accompanied by a bill, to be entitled "an act to authorize Charles W. Waugh, of Independence county, Arkansas, to take into his possession and dispose of all the real and personal estate of Lewis Naylor, deceased, a free negro, who died in Independence county."

Read the first time.

On motion of Mr. Trimble, the rules were suspended, the bill read the second time, by title, and

On motion of Mr. Hammond, it was referred to the committee on the judiciary.

Mr. Williams offered the following

RESOLUTION:

WHEREAS, It is the sense of the Senate, as manifested by a large majority vote taken on the report of the judiciary committee, respecting the pay of members of this body, that members hereof are not entitled to but one mileage for attending any one General Assembly, and that the per diem of every member commences with the opening of the session to which he is elected, and continues for each consecutive day during the same session; *And whereas*, It is also the sense of this Senate, expressed as aforesaid, that this is the same session of the General Assembly which convened at the capitol, on the first Monday of November, A. D. 1858:

Therefore. be it resolved, That in order to carry out the sense of this house, the President of the Senate be, and he is hereby required and directed to certify the per diem to all members of this body, not inconsistent with this preamble and resolution.

Which resolution was read, when

Mr. Watkins moved its indefinite postponement.

The motion was discussed at length, but before a vote was taken thereon, Mr. Williams, on leave, withdrew his resolution.

Message from the House of Representatives by the clerk:

MR. PRESIDENT—

I am instructed to inform your honorable body that the House of Representatives have amended and assented to Senate bill No. 88, lo be entitled " an act to attach that portion of Sebastian county which is south of the Porteau mountains, to the county of Scott.

Said bill is herewith returned, and the amendment thereto transmitted for the concurrence of your honorable body, which is respectfully asked.

The House of Representatives have passed the following House bills, to-wit:

No. 231, to be entitled " an act amendatory of section 146, of chapter 4th of Gould's Digest of the Statutes of the State of Arkansas."

No. 268, to be entitled " an act more effectually to prevent the selling of intoxicating liquors to slaves."

No. 293, to be entitled " an act in relation to wills."

No. 358, to be entitled " an act for the relief of the heirs and legal representatives of Richard Y. Merchant, late of Lafayette county, and for other purposes."

No. 359, to be entitled " an act to incorporate the town of Eldorado, in Union county."

No. 361, to be entitled "an act for the relief of the creditors, heirs and distributees of the estate of Daniel E. Williams, late of Hempstead county."

Said six House bills are herewith transmitted for the assent of your honorable body, which is respectfully asked.

S. M. SCOTT, *Clerk of*
House of Representatives.

Mr. Trimble offered the following

RESOLUTION:

Resolved, That the committee on elections be, and it is hereby instructed, to report on to-morrow at 11 o'clock, a. m., a bill to provide for electing representatives to Congress in the same year in which they take their seats; and that said bill shall be the special order for said day, and from day to day until disposed of.

Mr. Davies moved the indefinite postponement of the resolution.

On motion Mr. Trimble demanded the yeas and nays, which was sustained, and the roll called:

Yeas—Messrs. Askew, Carrigan, Davies, Floyd, Gaines, Gould, McCreery, Pennington, Rosson, Stirman, Terry, Watkins and Mr. President—13.

Nays—Messrs. Clark, Craighead, Douglas, Marshall, Mecklin, Trimble and Williams—7.

Mr. McColloch asked to be, and was, excused from voting.

So the resolution was indefinitely postponed.

Mr. Terry offered the following

RESOLUTION:

Resolved, That the sum of twenty-eight dollars be allowed F. J. Ditter, in addition to what he has already received, for making coffin, etc., for the Hon. B. H. Smithson, deceased.

Which was read, and on motion of Mr. Terry, referred to the committee on claims.

Reports from standing committees were in order.

Mr. Stirman, from the committee on public roads, made the following

REPORT:

Mr. President—

The committee on public roads, to whom was referred Senate bill No. 147, to be entitled "an act to allow persons owning land to change the public road or highway when said road runs over the land of said person," have had the same under consideration, and instruct me to report it back to the Senate and recommend its passage.

STIRMAN,
Chairman.

Which report was read and received.

On motion of Mr. Carrigan, the bill was read the third time and passed.

Mr. Stirman further from the same committee made the following

REPORT:

Mr. President—

The committee on public roads, to whom was referred Senate bill No. 161, to be entitled "an act to authorize Theodore A. Kendig to establish a steam ferry at Napoleon," have had the same under consideration, and instruct me to report it back to the Senate and recommend its passage.

STIRMAN,
Chairman.

Which report was read and received.

On motion of Mr. Floyd, the bill was read the third time and passed.

Mr. Stirman, further from the same committee, made the following

REPORT:

Mr. President—

The committee, on public roads, to whom was referred Senate bill No. 157, to be entitled "an act to amend section 71, chapter 149, of the Digest of 1858," have had the same under consideration, and instruct me to report it back to the Senate and recommend its rejection.

STIRMAN,
Chairman.

Which report was read and received, and

On motion of Mr. Stirman, adopted, and the bill thereby rejected.

Mr. Stirman, from the committee on public roads, made the following

REPORT:

Mr. President—

The committee, on public roads, to whom was referred Senate bill No. 133, to be entitled "an act to incorporate the Pocahontas and Gainesville Turnpike company, have had the same under consideration, and a majority of them have instructed me to report it back to the Senate, without amendment, and recommend its passage.

STIRMAN,
Chairman.

Which report was read, and received.

(Mr. Marshall was called to the chair.)

On motion of Mr. Rosson, the ninth section of the bill was stricken out.

Mr. Davies then offered to amend the bill by adding the words "that the said turnpike company shall have one-half of the unsold swamp land, which they reclaim by building the road."

On motion of Mr. Watkins, the amendment was laid upon the table.

On motion of Mr. Davies the bill was then read the third time, by title, and passed.

The following message was received from the Governor:

Executive Office,
Little Rock, Arkansas,
10th February, 1859.

To the President of the Senate of the
General Assembly of the State of Arkansas:

A vacancy has occurred in the office of judge of the supreme court of the State of Arkansas, by the resignation of Felix I. Batson; a copy of which resignation is herewith transmitted.

It devolves upon the General Assembly to fill the vacancy.

ELIAS N. CONWAY.

(A COPY.)

Little Rock, Feb'y. 10th, 1859.

His Excellency,
E. N. Conway,

Sir—I hereby resign the office of judge of the Supreme court of the State of Arkansas.

Very respectfully, your ob't. serv't.,
FELIX I. BATSON.

Mr. Gaines, from the committee on the judiciary, made the following

REPORT:

Mr. President—

The committee on the judiciary to whom was referred Senate bill No. 193, to be entitled "an act to secure legal owners of real estate against trespassers on the same, and prevent them from setting up a possessory title by being in possession for seven years or more," have had the same under consideration, and instructed me to report it back and recommend its passage.

GAINES,
Chairman.

Which report was read and received.

Mr. Floyd moved that the bill be read the third time, but after some debate,

On motion of Mr. Terry, it was recommitted to the committee on the judiciary.

On motion of Mr. Terry, the Senate took a recess until half past two o'clock, p. m.

2½ O'CLOCK, P. M.

The Senate convened.

Roll called.

PRESENT—Messrs. Askew, Carrigan, Clark, Craighead, Davies, Douglas, Floyd, Gaines, Gould, Hammond, Jones, Marshall, McCreery, McColloch, Mecklin, Pennington, Rosson, Terry, Trimble, Watkins, Williams and Mr. President—22.

Reports from standing committees were in order.

Mr. Gaines, from the committee, on the judiciary, made the following

REPORT:

MR. PRESIDENT.

The committee on the judiciary, to whom was referred Senate bill No. 189, to be entitled " an act in reference to the statutory laws on garnishment," have considered the same and recommend that it be amended by striking out the fourth section, and with the amendment to recommend its passage.

GAINES,
Chairman.

Which report was read and adopted, and the fourth section of the bill thereby stricken out.

On motion of Mr. Gaines, the bill was read the third time and passed.

Mr. Gaines further, from the same committee, made the following

REPORT:

MR. PRESIDENT—

The judiciary committee, to whom was referred Senate bill No. 187, to be entitled "an act to prevent negroes from owning property," have had the same under consideration, and recommend its passage.

GAINES,
Chairman.

Which report was read and received.

On motion of Mr. Pennington, the bill was read the third time.

Mr. Hammond moved the indefinite postponement of the bill, on which motion Mr. Floyd called for the yeas and nays, which call was sustained and ordered.

Yeas—Messrs. Askew, Carrigan, Craighead, Davies, Douglas, Hammond, Jones, McCreery, McColloch, Mecklin, Rosson, Williams and Mr. President—13.

Nays—Messrs. Clark, Floyd, Gaines, Gould, Marshall, Pennington, Terry, Trimble and Watkins—9.

So the bill was indefinitely postponed.

Mr. Gaines, from the same committee, made the following

REPORT:

Mr. President—

The judiciary committee to whom was referred House bill No. 60, to be entitled "an act to prevent fraud and oppression, under color of judicial process," have considered the same and recommend an amendment thereto, and as amended, recommend its passage.

GAINES,
Chariman.

Which report was, with the following amendment, received.

Sec. 2. *Be it further enacted*, That in all cases, when it appears from a recital in the record of any such court, that such notice has been given, it shall be evidence of such fact.

On motion of Mr. Clark, the amendment was adopted, and

On his further motion, the bill was read the third time as amended, and passed.

Mr. Gaines, further from the same committee, made the following

REPORT:

Mr. President—

The judiciary committee to whom was referred engrossed House bill No. 295, to be entitled "an act to limit the pay of witnesses in criminal cases," have considered the same, and recommend that it be amended, by striking out the second section, and thus amended to recommend the passage of the bill.

GAINES,
Chairman.

Which report was read and received.

Mr. Hammond moved the indefinite postponement of the bill—on which motion Mr. Rosson called for the yeas and nays, which call was sustained and ordered.

Yeas—Messrs. Askew, Hammond, Marshall, McCreery, Mecklin, Rosson and Terry—7.

Nays—Messrs. Carrigan, Clark, Craighead, Davies, Douglas, Floyd, Gaines, Gould, Jones, McCulloch, Pennington, Trimble, Watkins, Williams and Mr. President—15.

So the motion to postpone the bill indefinitely, was lost.

Mr. Trimble was called to the chair.

On motion of Mr. Clark, the amendment recommended by the committee, was adopted, and the second section of the bill thereby stricken out.

On motion of Mr. Williams, the bill was read the third time as amended, and passed.

Mr. Gaines, further from the same committee made the following

REPORT:

Mr. President—

The judiciary committee to whom was referred Senate bill No. 192, to be entitled "an act to change the time for holding the courts of White county, and to attach said county to the 5th judicial circuit," have considered the same, and instruct me to report it back to the Senate and recommend its passage.

GAINES,
Chairman.

Which report was read and received.

Mr. Rosson moved to amend the bill by striking out all that portion of it which attaches White county to the 5th judicial circuit.

Which motion was lost.

On motion of Mr. McCreery, the second section of the bill relating to the time of holding the county and probate courts of White county, was stricken out.

On his further motion, the bill was read the third time as amended, and passed.

On motion of Mr. Watkins, Senate bill No. 115, to be entitled "an act to provide for the management and control of the penitentiary," with the House amendments thereto, was made the order for to-morrow morning, at 10 o'clock.

The following message was received from the governor:

EXECUTIVE OFFICE,
Little Rock, Ark's,
10*th February*, 1859.

TO THE PRESIDENT OF THE SENATE,
of the General Assembly of the State of Arkansas:

I transmit a communication from Alexander George and John Robins, late contractors for keeping the Arkansas Penitentiary, asking to be relieved from the responsibility and expense of keeping the convicts, as early as practicable, consistent with the interests of the state; that provision be made to pay them for all convicts sent by the state courts to the penitentiary, at the rate of thirty-five cents per day for each convict from the 25th January, 1859, when their contract expired, until a new contract shall be made for keeping the convicts.

Also, stating that they will continue to take care of the convicts upon those terms, and will also take care of the convicts sent to the penitentiary by the United States courts, for the compensation allowed by the United States therefor, which is fifty cents per day for each convict, which is paid by the United States. George and Robins, since the expiration of their contract, by my request have continued to take care of the convicts, hoping that some law would be passed by which they would soon be relieved. The system about to be adopted by the General Assembly, it is supposed, will require some considerable delay, and perhaps may fail to work; and there is no law to provide for such a contingency. George & Robins, although they would prefer being relieved from the certain expense to them, for an uncertain length of time, if compensated at the rate stated, will continue to attend to the penitentiary, as heretofore, until some other arrangement shall be made, but otherwise, wish to surrender up the penitentiary at once.

They have performed work deemed necessary for the interests and convenience of the penitentiary establishment, by erecting some buildings, and performed other work, all of which they considered so manifestly necessary, that they did the same without any contract, relying upon the justice and judgment of the General Assembly, for payment. As they are about to retire from the business of keeping the penitentiary, and have, during the last six years, as contractors and keepers, rendered more than ordinary satisfaction, and caused every thing to be managed about the penitentiary in such a manner that the state has had no trouble with the institution; I recommend that what they ask be appropriated and paid to them. A copy of their account is herewith transmitted. In the event of a failure in the new system to work, some authority should be vested in some officer of the state, and means appropriated to provide for the emergency; for there are so many convicts that some discretionary power should be by law vested in some one to have them legally taken care of. So far as the governor is concerned, he does not object to responsibility, if he has legal discretionary authority and means appropriated by law to be used at his discretion, to promote and protect the interests of the state; but without these essentials, however willing he might be to endeavor to carry out the wishes of the General Assembly, he might not be able to do what an emergency might render necessary.

ELIAS N. CONWAY.

ARKANSAS PENITENTIARY, NEAR LITTLE ROCK, ARK.,
10th February, 1859.

To His Excellency, ELIAS N. CONWAY,
Governor of the State of Arkansas:

SIR—As is known by the General Assembly of this state, our contract for the safe keeping, subsisting and taking care of the convicts in the penitentiary, expired with the 25th day of January, 1859. Since the expiration of our contract we have, by your request, continued, at our own expense, to take care of and subsist the convicts in all things as we did under our contract; hoping that the General Assembly would pass some law upon the subject that would relieve us from the responsibility and heavy expense at an early day; but from what we learn relative to the action of the General Assembly, and the new system adopted, or about being adopted, some considerable time will, under that system, necessarily elapse before we can be relieved from the responsibility and expense which we are daily incurring.

In this condition of affairs, we do not deem it expedient to go to the additional expense of purchasing raw material to be used in making wagons, which is the principal business heretofore carried on at the penitentiary, and cannot therefore use the labor of the convicts to advantage.

We cannot afford to take care of and feed the convicts sent to the penitentiary for less than thirty-five cents per day for each convict, from the time our contract expired until a new contract, under the new law, shall be made; and for that price we will continue to keep the state convicts until a new contract shall be made.

The convicts sent to the penitentiary by the United States courts, we will, in like manner, keep for the price allowed by the United States, which is fifty cents per day for each convict, which will be paid by the United States.

You will be pleased to lay this communication before the General Assembly, so that, that honorable body may be fully advised in the premises, and make the necessary appropriation for our payment, and relieve us from our responsibility and expense, as early as can conveniently be done, consistently with the interests of the state.

This communication is made so that your excellency and the General Assembly may be assured that we will have the convicts properly attended to until a new contract for keeping them shall be made; provided, provision be made, as stated, to compensate us for so doing, but we cannot afford to continue to keep the convicts, for an uncertain period, at a certain loss to ourselves.

Very respectfully, your ob't servt's,
A. GEORGE,
JOHN ROBINS, *Late contractors for keeping the Arkansas Penitentiary.*

N. B.—We submitted an account to the committee of the General Assembly, for money justly due us from the state for work which we knew was necessary; and which we pointed out to the committee. Since we are about to retire from the business of keeping the penitentiary, we would be glad to have paid that account, as well as for certain buildings erected by us.

A copy of our account is herewith presented.

A. GEORGE,
JOHN ROBINS.

STATE OF ARKANSAS,

To George & Robins, *Dr.*

July, 1858.	For whitewashing main building of penitentiary, inside and out, with two blocks cells, and hospital inside	$175 00
	For painting 232 window grates and doors in main building and hospital	174 00
	For building 4 new guard-houses	400 00
	For building paint shop (frame building) covered with zinc 16 by 35 feet	150 00
	For building smith shop, 25 by 60 feet, covered with zinc	250 00
	For building, covered with zinc, for kitchen and dining room for guards	150 00
	For building addition of two rooms to the keeper's house, outside of walls	200 00

For new fence, with pailings, and cedar posts, for stable and horse lot	60 00	
For new shed, outside of lot	150 00	
		$1709 00

GEORGE & ROBINS.

Little Rock, *February* 9, 1859.

On motion of Mr. Gaines, the message just received from the governor was referred to the committee on the penitentiary, with instructions to report thereon as early as practicable.

On motion of Mr. McCreery, the Senate adjourned until 10 o'clock to-morrow morning.

THOS. FLETCHER,
President.

FRIDAY, *February* 11, 1859.

The Senate met pursuant to adjournment.

Prayer by the chaplain.

Roll called.

PRESENT—Messrs. Askew, Carrigan, Clark, Craighead, Davies, Douglas, Floyd, Gaines, Gould, Hammond, Jones, Marhall, McCreery, McColloch, Mecklin, Pennington, Rosson, Stirman, Terry, Trimble, Watkins, Williams and Mr. President—23.

The journal of yesterday was read, approved and signed.

Pursuant to order, the amendments of the House to Senate bill No. 115, to be entitled "an act to provide for the management and control of the penitentiary," was taken up and severally concurred in by the Senate.

The following message was received from the House of Representatives by the clerk:

Mr. PRESIDENT—

I am instructed to inform your honorable body that the House of Representatives have assented to and amended Senate bill No. 70, to be entitled "an act to revive swamp land scrip, and to extend the time for locating the same."

Said bill is herewith returned and the amendment transmitted for the concurrence of your honorable body; which is respectfully asked.

The House of Representatives have passed the following House bills, to-wit:

No. 26, to be entitled "an act to prescribe the duties of the courts of this state in relation to amendments."

No. 365, to be entitled "an act to grant a charter to James T. Harris to build a turnpike or plank road across the White river bottom, in Monroe county."

No. 367, to be entitled " an act to authorize G. P. Shackelford, of Springfield, Missouri, to sell certain lands belonging to the minor heirs of William Shackelford, deceased."

No. 140, to be entitled "an act to extend the boundaries of the city of Little Rock."

No. 161, to be entitled " an act concerning the selling and conveying of certain lands."

No. 162, to be entitled "an act to enable the land agents to issue certificates in certain cases, and for other purposes."

No. 163, to be entitled "an act to provide for the correction of errors in the sale of state lands, and for other purposes."

Said six House bills are herewith transmitted for the assent of your honorable body, which is respectfully asked.

The House of Representatives have adopted the following resolution, to-wit:

Resolved, That the General Assembly of the State of Arkansas do, on the 12th inst., at 10 o'clock, a. m., go into an election of supreme judge to fill the vacancy occasioned by the resignation of the Hon. Felix I. Batson; and that the Senate be requested to concur herein.

Said resolution is herewith transmitted for the concurrence of your honorable body which is respectfully asked.

S. M. SCOTT, *Clerk of*
House of Representatives.

Mr. Watkins, from the committee on the penitentiary, made the following

REPORT:

MR. PRESIDENT—

The committee on the penitentiary to whom was referred the communication of the governor, together with an account of Alexander George and John Robins, late contractors for keeping the Arkansas penitentiary, have had the same under consideration, and have instructed me to report to the Senate a joint resolution, to pay said account, and to recommend its adoption.

WATKINS,
Chairman.

The following is the resolution reported by the committee, to-wit:

Resolved by the two houses of the General Assembly, That the sum of one thousand seven hundred and nine dollars be appropriated, out of any money, not otherwise appropriated, in the state treasury, to Alexander George and John Robins, as the late contractors for keeping the Arkansas penitentiary, for extra work and improvement upon the penitentiary buildings.

Be it further resolved, That the governor be authorized to pay said Alexander George and John Robins, the sum of thirty-five cents per day for keeping the state convicts from the 25th day of January, A. D. 1859—the expiration of their late contract—and to continue until another contract be entered into; and that the governor be authorized to draw such amount from the state treasury.

Read first time.

On motion of Mr. Watkins, the rules were twice suspended, the resolution read the second and third times, and adopted.

Mr. Stirman presented the report of the internal improvement commissioner of Yell county, to-wit:

To the honorable, the SENATE
AND HOUSE OF REPRESENTATIVES,
in General Assembly assembled, at Little Rock:

The undersigned, internal improvement commissioner, in and for Yell county, Arkansas, would respectfully beg leave to represent and make report unto your honorable body, that he, as such commissioner, took charge of the internal improvement funds of said county on the 4th day of August, A. D. 1858; that he has not yet reported any plans of internal improvement for Yell county.

He would further represent that there will be but little money required to be necessarily expended for purposes of internal improvement, for and during the succeeding two years.

Amount of cash received from late commissioner	$ 1998	65
Amount of treasury, at Little Rock	259	50
	$ 2258	15

All of which is respectfully submitted.

SAM'L D. STRAYHORN, *Internal Improvement Commissioner.*

Pursuant to order Senate bill No. 175, to be entitled "an act to aid railroads," was taken up, and

On motion of Mr. Floyd, made the order for Tuesday next, at 11 o'clock, a. m.

No. 202. Mr. Stirman, on leave, introduced Senate bill, to be entitled "an act to legalize the official acts of W. H. Blackwell, clerk of Perry county."

Read first time.

On his motion, the rules were suspended, the bill read the second time, by title, and

On motion of Mr. Hammond, the rules were further suspended, the bill read the third time, by title, and passed.

On motion of Mr. Terry, the resolution of the House, to go into the election of a judge of the supreme court on the 12th inst., at 10 o'clock, a. m., to fill the vacancy caused by the resignation of Hon. Felix I. Batson, was taken up.

On motion of Mr. Rosson, the resolutioon was amended by striking out "10 o'clock, a. m.," and inserting "12 o'clock a. m."

Mr. Gaines moved to amend by striking out the "12th inst.," and inserting "Monday the 21st inst."

Mr. Hammond moved the indefinite postponement of the amendment; Mr. Rosson called for the yeas and nays thereon, which call was sustained, and ordered:

Yeas—Messrs. Askew, Carrigan, Clark, Craighead, Douglas, Hammond, Jones, Marshall, McColloch, Mecklin, Rosson, Terry, Trimble, Watkins, Williams and Mr. President—16.

Nays—Messrs. Davies, Floyd, Gaines, Gould, McCreery, Pennington and Stirman—7.

So the amendment was indefinitely postponed.

Mr. Stirman moved to amend by striking out the "12th inst.," and inserting "Wednesday, the 16th inst."

On which motion, Mr. Rosson called for the yeas and nays, which was sustained, and the call ordered:

Yeas—Messrs. Clark, Craighead, Davies, Floyd, Gaines, Gould, Jones, McCreery, McColloch, Pennington and Stirman—11.

Nays—Messrs. Askew, Carrigan, Douglas, Hammond, Marshall, Mecklin, Rosson, Terry, Trimble, Watkins, Williams and Mr. President—12.

So the motion was lost.

Mr. Gould moved to strike out "the 12th inst.," and insert "Monday the 14th inst."

On which motion Mr. Carrigan called for the yeas and nays, which was sustained, and the roll called:

Yeas—Messrs. Clark, Craighead, Davies, Floyd, Gaines, Gould, Jones, McCreery, McColloch, Pennington and Stirman—11.

Nays—Messrs. Askew, Carrigan, Douglas, Hammond, Marshall, Mecklin, Rosson, Terry, Trimble, Watkins, Williams and Mr. President—12.

So the motion was lost.

On motion of Mr. Carrigan, the resolution, as amended, was concurred in by the Senate.

Mr. Floyd was called to the chair.

Reports from standing committees were in order.

Mr. Gaines, from the committee on the judiciary, made the following

REPORT:

Mr. President—

The judiciary committee, to whom was referred engrossed House bill No. 204, to be entitled "an act for the relief of the counties of Monroe, Washington, Lafayette, Prairie, Marion, Yell, Poinsett, Jackson, Montgomery, Crawford, Saline, St. Francis, Perry and White," have considered the same, and recommend its passage.

GAINES,
Chairman.

Which report was read and received.

On motion of Mr. Marshall, Fulton county was inserted in and made subject to the provisions of the bill, and

On motion of Mr. Pennington, the bill was read the third time and passed.

Mr. Gaines, further from the same committee made the following

REPORT:

Mr. President—

The judiciary committee, to whom was referred Senate bill No. 171, to be entitled "an act to change the name of Rosanna Cox to Rosanna Elms," have considered the same and recommend its rejection.

GAINES,
Chairman.

Which report was read, and

On motion of Mr. Rosson adopted, and the bill thereby rejected.

Mr. Gaines, further from the same committee, made the following

REPORT:

Mr. President—

The judiciary committee on to whom was referred engrossed House bill No. 156, to be entitled "an act to regulate the duties of assignees of property for the payment of debts," have considered the same and recommend its passage.

GAINES,
Chairman.

Which report was read and received, and

On motion of Mr. Clark, the bill was read the third time and passed.

The following message was received from the House of Representatives, by the clerk:

Mr. President—

I am instructed to inform your honorable body that the House of Representatives have passed House bill No. 366, to be entitled "an act to take the sense of the qualified voters of this state, for and against a call for a convention to modify and reform the present constitution of this state."

Said bill is herewith transmitted for the assent of your honorable body, which is respectfully asked.

S. M. SCOTT, *Clerk of*
House of Representatives.

Mr. Gaines, from the committee on the judiciary, made the following

REPORT:

Mr. President—

The judiciary committee, to whom was referred Senate bill No. 85, to be entitled "an act to incorporate the Grand and Subordinate Temples of Honor and Temperance of the State of Arkansas," have considered the same, and without coming to any decision upon its merits, have instructed me to report it back, and ask to be discharged.

GAINES,
Chairman.

Which report was read, and

On motion of Mr. Watkins, adopted, and the committee thereby discharged from the further consideration of the bill.

Mr. Terry moved to postpone the bill indefinitely; on which motion, Mr. McColloch called for the yeas and nays, and the call being sustained was ordered:

Yeas—Messrs. Craighead, Douglas, Gaines, Marshall McCreery, Pennington, Rosson, Terry, Trimble, Watkins and Williams—11.

Nays—Messrs. Askew, Carrigan, Clark, Davies, Floyd, Gould, Hammond, Jones, McColloch, Mecklin, Stirman and Mr. President—12.

So the motion was lost.

On motion of Mr. Clark, the bill was read the third time, and the question being on its passage, Mr. McColloch called for the yeas and nays, which was sustained and ordered:

Yeas—Messrs. Askew, Carrigan, Clark, Davies, Floyd, Gould, Hammond, Jones, McColloch, Mecklin, Rosson, Stirman and Mr. President—13.

Nays—Messrs. Craighead, Douglas, Gaines, Marshall, McCreery, Pennington, Terry, Trimble, Watkins and Williams—10.

So the bill passed.

On motion of Mr. Pennington, the Senate took a recess until 2½ o'clock, p. m.

2½ o'clock, p. m.

The Senate convened.

The roll called.

Present—Messrs. Askew, Carrigan, Clark, Craighead, Davies, Douglas, Floyd, Gaines, Gould, Hammond, Marshall, McCreery, McColloch, Mecklin, Pennington, Rosson, Stirman, Terry, Trimble, Watkins, Williams and Mr. President—22.

Mr. Trimble from the committee on enrollments, made the following

REPORT:

Mr. President—

The committee on enrollments have examined House bill No. 147, to remove the free negroes and mulattoes from this state.

Also House bill No. 66, to incorporate the trustees of the Arkansas Baptist state convention.

Also, House bill No. 177, for the relief of Benjamin Vaughan, of Madison county.

Also, House joint resolution No. 59.

Also, two several amendments to the constitution of Arkansas; and have instructed me to report the same correctly enrolled.

J. S. TRIMBLE,
Chairman.

Mr. Gaines, from the committee on the judiciary, made the following

REPORT:

Mr. President—

The judiciary committee, to whom was referred Senate bill No. 164, to be entitled "an act for the relief of certain purchasers of swamp lands," have considered the same, and instruct me to report a substitute therefor, and recommend its passage.

GAINES,
Chairman.

Which report and substitute were received, and

On motion of Mr. Gould, laid upon the table for the present.

Mr. Gaines, further from the same committee, made the following

REPORT:

Mr. President—

The judiciary committee, to whom was referred Senate bill No. 144, to be entitled "an act to amend the laws so as to require executors and administrators to give notice before applying for an order authorizing them to lease lands, or hire slaves belonging to the estates of their testator or intestate," have considered the same and recommend its rejection.

GAINES,
Chairman

Which report was read, and

On motion of Mr. Watkins adopted, and the bill thereby rejected.

Mr. Gaines further, from the same committee, made the following

REPORT:

Mr. President—

The judiciary committee, to whom was referred House bill No. 228, to be entitled "an act to authorize the county court of Arkansas county to levy a road tax, and for other purposes," have considered the same and recommend its passage.

GAINES,
Chairman.

Which report was read, and

On motion of Mr. Watkins, the bill was read the third time ane passed.

Mr. Gaines, further, from the same committee, made the following

REPORT:

Mr. President—

The judiciary committee, to whom was referred Senate bill No. 181, to be entitled "an act to authorize the guardians of the heirs of John Drennen, deceased, to carry on the farm of the deceased, for the benefit of said heirs," have considered the same, and recommend its rejection.

GAINES,
Chairman.

Which report was read, and

On motion of Mr. Gaines, adopted, and the bill thereby rejected.

Mr. Gaines, further from the same committee, made the following

REPORT:

Mr. President—

The judiciary committee, to whom was referred House bill No. 94, to be entitled "an act to amend chapter 79, of Gould's Digest," have considered the same, and adopted an amendment thereto, with which, they recommend the passage of the bill.

GAINES,
Chairman.

Amend by striking out all after the enacting clause, and inserting,

"That upon the filing of the transcript of the judgment of any circuit court in this state, in any county other than the county in which the judgment was rendered, the plaintiff may have a writ of garnishment from the clerk of the circuit court in which such transcript may be filed, in the same manner and to the same extent as such writs may now be issued in the county where the judgment was rendered."

On motion of Mr. Clark, the amendment was adopted, and

On his further motion the bill was read the third time and passed.

Mr. McColloch from the committee on elections, made the following

REPORT:

Mr. President—

The committee on elections, to whom was referred Senate bill No. 160, to be entitled "an act to amend chapter 62, of the Digest of 1858, under the head of elections, and for other purposes," have had the same under consideration, and instruct me to report it back with an amendment, and with the amendment, to recommend its passage.

J. B. McCOLLOCH,
Chairman.

Amendment:

Sec. 3. That if the judges of elections shall not have sufficient time, on the day of the election, to count and certify the votes, the same may be done on the next succeeding day.

Sec. 4. That the reports required to be made in section 9, chapter 80, of the Digest of 1858, shall be made on or before the 10th day of November next preceding the regular meeting of each General Assembly.

On motion of Mr. Floyd, the bill, with the amendment, was indefinitely postponed.

Mr. McColloch, further from the same committe made the following

REPORT:

Mr. President—

The committee on elections to whom was referred the petition of sundry citizens of Benton county praying that the law authorizing sheriffs to appoint their own deputies be repealed, and that a law should be passed providing for the election of deputy sheriffs by the people, have investigated the same, and have instructed me to report the same back and recommend its rejection.

J. B. McCOLLOCH,
Chairman.

Which report was read and adopted and the petition thereby rejected.

Mr. McColloch, from the same committee made the following

REPORT:

Mr. President—

The committee on elections to whom was referred Senate bill No. 12, to be entitled "an act to change the time of electing representatives in Congress," have had the same under consideration, and instruct me to report it back, and recommend its rejection.

J. B. McCOLLOCH,
Chairman.

Mr. Davies, moved the adoption of the report.

Mr. Gould moved to postpone the bill indefinitely, which motion having precedence, was discussed at length, when Mr. McCreery called for the yeas and nays on its adoption, which call was sustained and ordered.

Yeas—Messrs. Craighead, Davies, Floyd, Gould, McColloch, Rosson, Stirman, Terry, Watkins and Mr. President—10.

Nays—Messrs. Askew, Carrigan, Clark, Douglas, Gaines, Hammond, Jones, Marshall, McCreery, Mecklin, Pennington, Trimble and Williams—13.

So the motion to postpone the bill indefinitely was lost.

Mr. Floyd moved to recommit the bill to the committee on elections, and called for the yeas and nays thereon, which call was sustained and ordered.

Yeas—Messrs. Davies, Floyd, Terry and Mr. President—4.

Nays—Messrs. Askew, Carrigan, Clark, Craighead, Douglas, Gaines, Gould, Hammond, Jones, Marshall, McCreery, McColloch, Mecklin, Pennington, Rosson, Stirman, Trimble, Watkins and Williams—19.

So the motion to recommit the bill was lost.

The question was then stated to be on the motion of Mr. Davies to adopt the report of the committee, which recommended the rejection of the bill, when the yeas and nays were demanded and being sustained were ordered.

Yeas—Messrs. Davies, Floyd, Gould, McColloch, Rosson, Terry, Watkins and Mr. President—8.

Nays—Messrs. Askew, Carrigan, Clark, Craighead, Douglas, Gaines, Hammond, Jones, Marshall, McCreery, Mecklin, Pennington, Stirman, Trimble and Williams—15.

So the motion was lost.

Mr. Davies moved to amend the bill by adding that all of the State and county officers, shall be elected at the same time the members of Congress are elected in this State.

Which amendment was on motion of Mr. Hammond, laid upon the table.

Mr. Gould offered to amend the bill by striking out the preamble, and all after the enacting clause, and inserting:

That the general election of this State, for State and county officers and Representatives to Congress shall hereafter be held on the first Monday in October, 1860, and every two years thereafter.

On motion of Mr. Carrigan, the amendment was indefinitely postponed.

Mr. Willams moved that the bill be read the third time.

On which motion Mr. Davies called for the yeas and nays.

Sustained and ordered.

Yeas—Messrs. Askew, Carrigan, Clark, Craighead, Douglas, Gaines, Hammond, Jones, Marshall, McCreery, Mecklin, Pennington, Stirman, Trimble and Williams—15.

Nays—Messrs. Davies, Floyd, Gould, McColloch, Rosson, Terry, Watkins and Mr. President—8.

So the bill was read the third time.

Mr. Davies called for the yeas and nays on its passage.

Sustained and ordered.

Yeas—Messrs. Askew, Carrigan, Clark, Craighead, Douglas, Gaines, Hammond, Jones, Marshall, McCreery, Mecklin, Pennington, Stirman, Trimble and Williams—15.

Nays—Messrs. Davies, Floyd, Gould, McColloch, Rosson, Terry, Watkins and Mr. President—8.

So the bill passed.

On motion of Mr. Terry, the Senate adjourned until 9 o'clock to-morrow morning.

THOS. FLETCHER,
President.

SATURDAY, *February* 12, 1859.

The Senate met pursuant to adjournment.

Prayer by the chaplain.

Roll called.

PRESENT—Messrs. Askew, Carrigan, Clark, Craighead, Davies, Douglas, Floyd, Gaines, Gould, Hammond, Jones, Marshall, McCreery, McColloch, Mecklin, Pennington, Redmond, Rosson, Stirman, Terry, Trimble, Watkins, Williams and Mr. President—24.

The journal of yesterday was read, approved and signed.

The following message was received from the House of Representatives, by their clerk:

Mr. PRESIDENT—

I am instructed to inform your honorable body that the House of Representatives have concurred in Senate amendment to House resolution, in relation to going into the election of Supreme Judge, to fill the vacancy occasioned by the resignation of Hon. Felix I. Batson.

The House of Representatives have adopted House joint resolution No. 35, relative to procuring land grants for railroad purposes.

House resolution No. 36, relative to a mail route from Dover, Pope county, via Big Creek, in Yell county, to Forsyth, Missouri.

Resolution No. 42, relative to a mail route from Washington, Hempstead county, to Ft. Smith, in Sebastian county."

Said 3 joint resolutions are herewith transmitted for the concurrence of your honorable body, which is respectfully asked.

The House of Representatives have passed the following House bills, to-wit:

No. 263, entitled " an act for the more effectual prevention of arson, and also to repeal sections 3, 4, 5, 6 and 7, of article 1, part 5, of chapter 51, Gould's Digest."

No. 282, to be entitled " an act for the relief of persons who have lost their original certificates for saline and internal improvement lands."

No. 244, entitled " an act to enable married women who have a separate estate from their husbands to dispose of the same by last will and testament."

No. 368, entitled " an act to authorize the county court of St. Francis county to appropriate the internal improvement fund of said county."

No. 182, to be entitled " an act to regulate the tax on shows."

Said five House bills are herewith transmitted for the assent of your honorable body, which is respectfully asked.

S. M. SCOTT, *Clerk of*
House of Representatives.

Mr. Trimble, from the committee on enrollment, made the following

REPORT:

Mr. President—

The committee on enrollment did, on the 11th inst., hand to the governor, for his approval, House bill No. 147, to remove the free negroes and mulattoes from this state.

Also, House bill No. 66, to incorporate the trustees of the Arkansas Baptist State Convention.

Also, House bill No. 177, for the relief of Benjamin Vaughan, of Madison county.

Also, House joint resolution No. 59.

Also, two several amendments to the constitution of Arkansas, and have instructed me to report the same.

J. S. TRIMBLE,
Chairman.

Mr. Williams offered the following

RESOLUTION:

Whereas, it is the sense of the Senate as manifested by a large majority vote, taken on the report of the judiciary committee, respecting the pay of members of this body, that members hereof are not entitled to but one mileage for attending any one General Assembly, and that the per diem of every member commences with the opening of the session to which they are elected, and continues for each consecutive day during the same session; and whereas, it is also the sense of this Senate, expressed as aforesaid, that this is the same session of the General Assembly, which convened at the capitol on the first Monday in November, A. D. 1858; therefore,

Be it resolved, That in order to carry out the sense of this house, the president of the Senate be, and he is hereby directed to certify the per diem to all members of this body, in accordance with this preamble and resolution.

Which resolution was read.

Mr. Williams moved its adoption.

Mr. Craighead moved to postpone it indefinitely, which motion had precedence.

On motion of Mr. Watkins a call of the Senate was made, when it appeared that Messrs. Clark and Rosson were absent, without leave.

On the further motion of Mr. Watkins, the door-keeper was furnished with the names of the absentees, and instructed to procure their attendance, and in a short time returned with them, when a further call was dispensed with.

Mr. Trimble was called to the chair.

Mr. Williams demanded the yeas and nays on the question to postpone his resolution indefinitely, which demand was sustained, but before the call was commenced,

On motion of Mr. Terry, a call of the Senate was again made, when it appeared that there were no absentees.

The question was then stated from the chair, on the motion to postpone the resolution indefinitely, and the roll called.

Yeas—Messrs. Askew, Carrigan, Clark, Craighead, Gould, Marshall, McCreery, McColloch, Mecklin, Pennington, Redmond, Rosson, Terry, Trimble and Watkins—15.

Nays—Messrs. Davies, Douglas, Floyd, Gaines, Hammond, Jones, Stirman and Williams—8.

(Mr. President asked to be and was excused from voting.)

So the resolution was indefinitely postponed.

On motion of Mr. Gould, the Senate took a recess of ten minutes.

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12 o'clock, a. m.

The Senate was called to order.

Message from the House of Representatives, by the clerk:

Mr. President—

I am instructed to inform your honorable body, that the House of Representatives are now ready to receive your honorable body in their hall, for the purpose of going into the election of a judge of the Supreme Court, to fill the vacancy occasioned by the resignation of Hon. Felix I. Batson.

S. M. SCOTT, *Clerk of*
House of Representatives.

On motion of Mr. Carrigan, the Senate repaired to the hall of the House of Representatives, and being there seated, the president of the Senate announced the object of the convention of the two houses, and stated that nominations for a judge of the Supreme court were in order.

Mr. Douglas nominated F. W. Compton.

Mr. Rosson nominated H. F. Fairchild.

Mr. Terry nominated Thomas Johnson.

Mr. Gordon, of the House, nominated Benjamin Abbott, but afterwards, by request, withdrew the nomination.

No other nominations being made the rolls were called, when it appeared that on joint ballot F. W. Compton received 35 votes; H. F. Fairchild, 38 votes, and Thomas Johnson, 8 votes

Those senators voting for F. W. Compton, were

Messrs. Carrigan, Douglas, Gaines, Gould, Hammond, Jones, McColloch, Pennington and Williams—9.

Those voting for H. F. Fairchild, were

Messrs. Askew, Clark Craighead, Davies, Floyd, McCreery, Mecklin, Redmond, Rosson, Stirman, Trimble, Watkins and Mr. President—13.

Those voting for Thomas Johnson, were

Messrs. Marshall and Terry—2.

In the House F. W. Compton received 26 votes; H. F. Fairchild, 25 votes; Thomas Johnson, 6 votes, and Benjamin Abbott, 3 votes.

Neither of the candidates voted for having received a majority of all the votes cast, the president of the Senate announced that the convention would poceed to ballot the second time.

The rolls were then called, when it appeared that on joint ballot F. W. Compton received 41 votes; H. F. Fairchild, 40 votes, and Thomas Johnson, 4 votes.

Those Senators voting for F. W. Compton, were

Messrs. Carrigan, Douglas, Gaines, Gould, Hammond, Jones, Marshall, Pennington and Williams—9.

Those voting for H. F. Fairchild, were

Messrs. Askew, Clark, Craighead, Davies, Floyd, McCreery, McColloch, Mecklin, Redmond, Rosson, Stirman, Trimble, Watkins and Mr. President—14.

Mr. Terry voted for Thomas Johnson—1.

In the House, F. W. Compton received 32 votes; H. F. Fairchild, 26 votes, and Thomas Johnson, 3 votes.

Neither of the candidates in nomination having received a majority of all the votes cast, the president of the Senate announced that the convention would proceed to ballot the third time.

The rolls were called, when it appeared that on joint ballot F. W. Compton, received 41 votes; H. F. Fairchild, 39 votes, and Thomas Johnson, 2 votes.

Those senators voting for F. W. Compton, on the third ballot, were

Messrs. Carrigan, Douglas, Gaines, Gould, Hammond, Jones, Marshall, McColloch, Pennington and Williams—10.

Those voting for H. F. Fairchild, were

Messrs. Askew, Clark, Craighead, Davies, Floyd, McCreery, Mecklin, Redmond, Rosson, Stirman, Trimble, Watkins and Mr. President—13.

Mr. Terry voted for Thomas Johnson—1.

In the House, F. W. Compton received 31 votes; H. F. Fairchild, 26 votes, and Thomas Johnson, 1 vote.

Neither of the candidates in nomination having received a majority of all the votes cast, the president of the Senate announced that the convention would proceed to ballot the fourth time.

The rolls were then called, when it appeared that on joint ballot F. W. Compton received 43 votes; H. F. Fairchild, 39 votes, and Thomas Johnson, 2 votes.

Those senators voting for F. W. Compton, on the fourth and last ballot, were

Messrs. Carrigan, Clark, Douglas, Gaines, Gould, Hammond, Jones, Marshall, McColloch, Pennington and Williams—11.

Those voting for H. F. Fairchild, were

Messrs. Askew, Craighead, Davies, Floyd, McCreery, Mecklin, Redmond, Rosson, Stirman, Trimble, Watkins and Mr. President—12.

Mr. Terry voted for Thomas Johnson—1.

In the House, F. W. Compton received 32 votes; H. F. Fairchild, 27 votes, and Thomas Johnson, 1 vote.

Whereupon, the president of the Senate announced that F. W. Compton, having received a majority of all the votes cast, was duly and constitutionally elected associate justice of the Supreme Court, for and during the vacancy occasioned by the resignation of Felix I. Batson.

The object of the convention of the two houses having been accomplished, the Senate returned to their chamber, and

On motion of Mr. Gaines, took a recess until half past two o'clock, p. m.

2½ O'CLOCK, P. M.

The Senate convened.

Roll called.

PRESENT—Messrs. Askew, Carrigan, Craighead, Davies, Douglas, Floyd, Gaines, Gould, Hammond, Jones, Marshall, McCreery, McColloch, Mecklin, Pennington, Redmond, Rosson, Stirman, Terry, Trimble, Watkins and Mr. President—22.

No. 203. Mr. Craighead, on leave, introduced Senate bill to be entitled "an act to hasten the sale of swamp and overflowed lands, and the construction of levees for their reclamation.

Read the first time.

On motion of Mr. Gaines, the rules were suspended, the bill read the second time, by title, and

On motion of Mr. Gould, it was referred to the committee on swamp and overflowed lands.

Mr. Hammond, from the committee on swamp and overflowed lands, made the following

REPORT:

MR. PRESIDENT—

The committee on swamp and overflowed lands to whom was referred Senate bill No. 102, for the relief of McNeil

& Gracie, have considered the same, and instruct me to report it back and recommend its passage.

HAMMOND,
Chairman.

Which report was read and received.

Mr. Gould offered to amend the bill by adding the following section, to-wit:

Sec. 3. *Be it further enacted*, That Thomas James be entitled to the benefit of this act, and that the state treasurer be authorized to re-issue to him one piece of scrip for the sum of forty dollars, in lieu of one numbered 1043, for that amount which is said to be lost; and to re-issue to him one piece of scrip for the sum of nine hundred and sixty dollars, in lieu of one numbered 1043, for that amount, which is said to be lost; *Provided*, That said Thomas James shall enter into bond in the sum of two thousand dollars, to the State of Arkansas, conditioned as is provided in section 2. The scrip so to be re-issued to be subject to location in the Pine Bluff district.

Which amendment was read, and

On motion of Mr. Floyd, adopted.

On motion of Mr. Gould, the bill was read the third time as amended and passed, by the following title:

A bill to be entitled " an act for the relief of McNeil & Gracie and Thomas James."

Mr. Williams, from the committee, on claims made the following

REPORT:

Mr. President—

The committee, on claims, to whom was referred Senate bill No. 197, to be entitled " an act for the relief of Sutton F. Cottrell, late sheriff of Crawford county, and for the relief of Dr. James A. Dibrell, have had the same under consideration, and instruct me to report it back to the Senate and recommend that it be amended by striking out the word "fifty" where it occurs the second time in the bill, and inserting " thirty" instead thereof, and being so amended, to recommend its passage.

D. C. WILLIAMS,
Chairman.

Which report was received, and ordered to lay upon the table for the present.

Mr. Williams, further from the same committee made the following

REPORT:

Mr. President—

The committee on claims to whom was referred

Senate bill No. 196, to be entitled "an act for the relief of George W. Reed, late sheriff of Scott county," have had the same under consideration, and instruct me to report it back to the Senate, without amendment, and recommend its passage.

D. C. WILLIAMS,
Chairman.

Which report was read and ordered to lay upon the table for the present.

Mr. Redmond, from the committee on ways and means, made the following

REPORT:

Mr. President—

The committee on ways and means, to whom was referred House bill No. 206, entitled "an act to prevent the poisoning of fish in any of the lakes, waters or streams, within the county of Columbia," have had the same under consideration, and have instructed me to report the same back to the Senate, with an amendment, and recommend its passage as amended.

REDMOND,
Chairman.

Which report was received, and

On motion of Mr. Redmond, the amendment was adopted.

On motion of Mr. Carrigan, the bill was read the third time, as amended, and passed.

Mr. Redmond, further from the same committee made the following

REPORT:

Mr. President—

The committee on ways and means, to whom was referred Senate bill No. 90, to be entitled "an act to provide for the reception and safe-keeping of the archives of the office of the surveyor general, proposed to be turned over to the authorities of this state, by act of Congress of the United States, approved 12th June, 1840, and an act to amend said act, approved January 22d, 1853, and for other purposes," have had the same under consideration and have instructed me to report the same back to the Senate and recommend its passage.

REDMOND,
Chairman.

Which report was read and received.

Mr. Carrigan offered a substitute for the bill to be entitled "an act for the distribution of the field-notes, maps, plats, records, papers and documents, in the United States surveyor's office, of the State of Arkansas."

Mr. Floyd moved the indefinite postponement of the substitute, but after some discussion, it was withdrawn by Mr. Carrigan.

Mr. Hammond offered to amend the bill by an additional section, to-wit:

Section—That all the fees and perquisites arising from the archives herein mentioned, shall be paid into the treasury of this state, and that the auditor be allowed to employ an additional clerk in his office, for which appropriation is hereby made.

Which amendment was adopted.

On motion of Mr. Floyd the bill was read the third time, by title, and passed.

Mr. Carrigan, from the committee on public buildings, made the following

REPORT:

Mr. President—

The committee on public buildings, to whom was referred Senate resolution, to ascertain of Mrs. Julia Beebe, the price of her residence and grounds attached, with a view of the purchase of the same by the state, as an executive office and residence, have had the same under consideration, and have instructed me to report a bill for that purpose, and to recommend its passage.

CARRIGAN,
Chairman.

No. 204. Which report was received and the bill, to be entitled "an act for the purchase of an executive office," was read the first time.

On motion of Mr. Carrigan, the rules were suspended, the bill read the second time, by title, when

Mr. McCreery moved its indefinite postponement and called for the yeas and nays, which was sustained, and the call ordered:

Yeas—Messrs. Askew, Davies, Douglas, Floyd, Marshall, McCreery, McColloch, Rosson, Trimble and Watkins—10.

Nays—Messrs. Carrigan, Craighead, Gaines, Gould, Hammond, Jones, Mecklin, Pennington, Redmond, Stirman, Terry, and Mr. President—12.

So the motion was lost.

Mr. Redmond offered to amend the bill by striking out the words "sixteen thousand," in the first section, and inserting "twelve thousand."

Mr. Terry moved to postpone the amendment indefinitely.

Which motion was lost.

On motion of Mr. Floyd, the amendment was adopted, and

On his further motion, the bill was read the third time, as amended, and Mr. McCreery demanded the yeas and nays on its passage.

Sustained and ordered.

Yeas—Messrs. Carrigan, Craighead, Davies, Floyd, Gaines, Gould, Hammond, Jones, McColloch, Mecklin, Pennington, Redmond, Stirman, Terry and Mr. President—15.

Nays—Messrs. Askew, Douglas, Marshall, McCreery, Rosson, Trimble and Watkins—7.

So the bill passed.

No. 205. Mr. Redmond introduced Senate bill, to be entitled "an act to extend the time of contracts for levee work in Phillips county."

Read first time.

On motion of Mr. Redmond, the rules were suspended, the bill read the second time, by title, and

On motion of Mr. Craighead, it was referred to the committee on swamp and overflowed lands.

Mr. Askew from a select committee made the following

REPORT:

Mr. President—

The select committee, to whom was referred House bill No. 241, to be entitled an act to change the time of holding the circuit court in Union and Sevier counties, in the 6th judicial circuit, of the State of Arkansas, and for other purposes, have had the same under consideration, and have agreed upon a substitute as an amendment thereto, and instruct me to report it to the Senate for adoption.

ASKEW,
Chairman.

Which report was received and

On motion of Mr. Askew, the substitute amendment was adopted, and the bill read the second and third times, by title, and passed.

Mr. Gaines, from a select committee, made the following

REPORT:

Mr. President—

The select committee, to whom was referred House bill No. 174, to be entitled "an act amendatory of an act framed by the General Assembly of the State of Arkansas, approved January 7, 1857, entitled an act to provide for raising and repairing levees in Chicot county," have had the same under consideration, and have adopted the following amendments:

Strike out, in the 6th section after the word "act," in the 8th line, the following words, to-wit: "within four miles of the Mississippi river," and in the 10th line of the same section, strike out the word "ten" and insert "five," and strike out all of said section, after the word "acre," in the 11th line.

The committee further recommend that the bill be amended by adding sections eight and nine, and with these amendments, the committee recommend its passage.

GAINES,
Chairman.

The following are the sections 8 and 9, recommended by the committee:

Sec. 8. *Be it further enacted*, That the words "which are or shall be taxable for state revenue," be stricken out of section 14 of an act entitled "an act to provide for making and repairing levees in Chicot county," and all laws and parts of laws coming in conflict with this act be, and the same are hereby repealed.

Sec. 9. *Be it further enacted*, That all laws and parts of laws inconsistent with the act to which this is an amendment, relative to the redemption of lands sold for taxes in Chicot county, be and the same are hereby repealed.

On motion of Mr. Gaines, all the amendments recommended by the committee were adopted, and

On his further motion, the bill was read the third time, by title, and passed.

On motion of Mr. Douglas, the amendment of the House to Senate bill No. 70, to be entitled "an act to revive swamp land scrip, and to extend the time for locating the same," was taken up and read as follows:

Amend 4th line by inserting after the word "been," the words "or may be hereafter," and

On motion of Mr. Hammond, concurred in by the Senate.

On motion of Mr. Floyd, the amendment of the House to Senate bill No. 6, to be entitled "an act to cause all school funds to be paid directly to the commissioners of common schools within the several counties," was taken up and read, as follows:

Add to section 2—

Provided, That the counties of Arkansas, Bradley, Pulaski, Izard, Marion, Poinsett and Fulton be, and they are hereby exempted from the provisions of this act.

On the further motion of Mr. Floyd, the amendment was concurred in by the Senate.

Mr. Trimble, from the committee on enrollments, made the following

REPORT:

Mr. President—

The committee on enrollments have examined House bill No. 249, to change the common school system.

Also, House bill No. 239, to incorporate the town of Madison, in St. Francis county.

Also, substitute House bill No. 301.

Also House bill No. 106, for the relief of Mrs. Lewis, of Chicot county.

Also, House bill No. 286, to authorize the common school commissioner of Monroe county to sell certain school lands; and have instructed me to report the same correctly enrolled.

J. S. TRIMBLE,
Chairman.

On motion of Mr. Floyd, the Senate took a recess until 7 o'clock, p. m.

7 O'CLOCK, P. M.

The Senate met.

Roll called.

Present—Messrs. Askew, Carrigan, Clark, Craighead, Davies, Douglas, Floyd, Gaines, Gould, Jones, Marshall, McCreery, Mecklin, Pennington, Redmond, Rosson, Stirman, Trimble, Watkins and Mr. President—20.

Mr. Trimble, from the committee on enrollments, made the following

REPORT:

Mr. President—

The committee on enrollments did, on the 11th inst., hand to the Governor for his approval, House bill No. 249, to change the common school system.

Also, House bill No. 239, to incorporatd the town of Madison, in St. Francis county.

Also, House bill No. 301.

Also, House bill No. 106, for the relief of Mrs. Lewis, of Chicot county.

Also, House bill No. 286, to authorize the common school commissioner of Monroe county to sell certain school lands; and have instructed me to report the same.

J. S. TRIMBLE,
Chairman.

Mr. Redmond, from a special committee, made the following

REPORT:

Mr. President—

The special committee, to whom was referred the special message of the governor of the 15th December, 1858, recommending that a full and thorough investigation be had in regard to an excess of swamp land scrip, purporting to have been issued under the act of 6th January, 1851, by John W. Buckner, Cincinnatus Trousdale and Creed Taylor, late swamp land commissioners, which appears, from the reports of the auditor and treasurer, to have been redeemed by the treasurer over the amount stated by said commissioners, in their report, to have been issued, have had the same under consideration, and beg leave to report:

That they have made an examination of the books of the swamp land office, and the treasurer's office, in connection with the report of said commissioners, and that it appears from the same, that

The whole amount of accounts allowed by said board for levee work and other expenses, amounts to		$755,003 65
Amount of salaries of officers, was		15,037 80
		$770,041 45
CR.		
Amount paid in land	$309,524 63	
Amount balance of old accounts certified to auditor	99,390 78	
Amount of scrip redeemed at the treasury, and canceled	382,840 00	
Total		$791,755 41
Excess of payments made by commmissioners, over the amount shown by their records to have been allowed		$21,713 96

From the books of the treasurer's office, we find that scrip, which was issued to each of said swamp land commissioners, over the amounts allowed to them, has been paid into the treasury and canceled, as follows:

To John W. Buckner	$29,600 00
Deduct amount of allowances to him	164 66
Excess	$29,435 34
To Creed Taylor	$24,100 00
Deduct amount of allowances to him	7,079 76
Excess	$17,020 24
To Cincinnatus Trousdale	$4,920 00
Deduct amount of allowances to him	132 50
Excess	$4,787 50

RECAPITULATION.

Excess of scrip paid into the treasury, which was issued in the name of each of the commissioners, over the amount allowed to them by the board, respectively:

To John W. Buckner	$29,435 34
To Creed Taylor	17,020 24
To C. Trousdale	4,787 50
	$41,243 08
Deduct excess of scrip paid into the treasury, over the amount allowed by the board as above	21,713 96
Amount of scrip, which it appears from this report to be outstanding, lost or destroyed	$19,529 12
	$41,243 08

Your committee have had free access to all the books and papers in the swamp land office and treasurer's office, and have made the best examination of the matter that could be done in the limited time allowed them.

From our examination, it appears that the sum of $21,713 96-100 of swamp land scrip, purporting to have been issued by swamp land commissioners Buckner, Trousdale and Taylor, over the amount which the records of their office show to have been audited and allowed by them, has been paid into the treasury. It also appears that scrip has been paid into the treasury, which was issued to said commissioners, individually, amounting, in the aggregate, to $41,243 08-100, over the amounts which their records show to have been audited and allowed to them respectively.

Your committee are of opinion that these discrepancies need explanation, and that the governor should be authorized to make a more thorough and complete investigation of the matter; and this report should not be taken as a reflection on the gentlemen who filled the offices of swamp land commissioners, as some of the books may have been lost, as they have been transported from one place to another, and show that the secretary of the board kept them in a loose manner; and without further examination, we would be doing injustice to those gentlemen, to say that this report is complete.

F. P. REDMOND,
WM. H. HAMMOND,
J. B. McCOLLOCH.

Which report was read and received.

Mr. Redmond offered the following

RESOLUTION:

Resolved, That John G. Connelly, clerk, appointed by the committee, under a resolution of the Senate be, and he is hereby allowed the sum of four dollars der diem, for twenty days' services as clerk to the committee, to be paid out of the contingent fund.

Which was read, and on motion of Mr. Floyd, adopted.

Mr. Redmond, from the committee on ways and means, made the following

REPORT:

Mr. President—

The committee on ways and means, to whom was referred House bill No. 95, to be entitled "an act regulating weights and measures in this state," have had the same under consideration, and instruct me to report it back to the Senate, and recommend its passage.

REDMOND,
Chairman.

Which report was read and received.

On motion of Mr. Davies, the bill was read the third time and passed.

Mr. Redmond, further from the same committee made the following

REPORT:

Mr. President—

The committee on ways and means, to whom was referred House bill No. 183, to be entitled "an act for the relief of W. W. Corcoran," have had the same under consideration, and have instructed me to report it back, to the Senate, and recommend its passage.

REDMOND,
Chairman.

Which report was read and received, and

On motion of Mr. Redmond, the bill was read the third time, and the question being taken on its passage, the same was decided in the negative.

So the bill did not pass.

Mr. Trimble, from a select committee, made the following

REPORT:

Mr. President—

The select committee to whom was referred House bill No. 258, to be entitled "an act for the relief of Urban E. Fort, late sheriff of Independence county," have had the same under consideration, and have instructed me to report the same back to the Senate with an amendment, and as amended, recommend its passage.

TRIMBLE,
Chairman.

Amend the first section by striking out the words "one year from the passage of this act," and insert "until the first day of April, 1860."

On motion of Mr. Trimble, the amendment was adopted.

On his further motion, the bill was read the third time, and passed.

On motion of Mr. Davies, the substitute reported by the committee on the judiciary, to Senate bill No. 164, to be entitled "an act for the relief of certain purchasers of swamp lands," was taken up and adopted in lieu of the original bill.

On motion of Mr. Gould, the rules were suspended, and the substitute bill read the second time, by title.

Mr. Redmond offered to amend the bill by adding the following:

That nothing in this act shall relate to any lands that have been sold by John C. O. Smith, as land agent of the Helena district, since he has held that office.

Mr. Askew offered to amend the bill by the following proviso:

Provided, That said pre-emption right shall not interfere with the rights of subsequent purchasers from the state, who may have purchased the same since its confirmation.

Which amendment was accepted by Mr. Redmond, in lieu of his, and adopted.

Mr. Gould offered to amend the bill by an additional proviso, to-wit:

Provided, That it is not the intention of this act that such persons shall have the right to enter said lands with said certificates, but shall pay for the same with cash or scrip.

On motion of Mr. Watkins, the amendment was adopted.

On motion of Mr. Redmond, the bill was read the third time and passed.

Mr. Williams, from the committee on claims, made the following

REPORT:

Mr. President—

The committee on claims to whom was referred Senate bill No. 94, to be entitled "an act for the relief of John Wassell," have had the same under consideration, and have instructed me to report the same back to the Senate, and ask to be discharged from the further consideration thereof.

D. C. WILLIAMS,
Chairman.

Which report was read, and

On motion of Mr. Watkins, adopted, and the committee accordingly discharged.

Mr. Clark, from the committee on counties and county lines, made the following

REPORT:

Mr. President—

The committee on counties and county lines, to whom was referred Senate bill No. 180, to be entitled "an act to establish the county of Crowley," have had the same under consideration, and a majority of said committee have instructed me to report it back to the Senate, and to recommend its passage.

CLARK,
Chairman.

Which report was read, and

Mr. Craighead moved its rejection.

On which motion Mr. Stirman demanded the yeas and nays.

Sustained and ordered:

Yeas—Messrs. Askew, Craighead, Marshall, McCreery, Rosson and Mr. President—6.

Nays—Messrs. Carrigan, Clark, Davies, Douglas, Floyd, Gaines, Gould, Jones, Mecklin, Pennington, Terry, Trimble and Watkins—13.

So the motion to reject was lost.

Mr. Redmond moved to amend the bill by striking out the word "Crowley," wherever it occurs, and inserting the name "Buchanan," in lieu thereof.

Which amendment was, on motion of Mr. Gould, adopted.

On motion of Mr. Floyd, the bill was read the third time, by title, but, before a vote was taken on its passage, the Senate,

On motion of Mr. Watkins, adjourned until 9½ o'clock, Monday morning.

THOS. FLETCHER,
President.

* * *

Monday, *February* 14*th*, 1859.

The Senate met pursuant to adjournment.

Prayer by the chaplain.

Roll called.

Present—Messrs. Askew, Carrigan, Clark, Craighead, Davies, Douglas, Floyd, Gaines, Gould, Hammond, Jones, Marshall, McCreery, McColloch, Mecklin, Pennington, Stirman, Terry, Trimble, Watkins, Williams and Mr. President—22.

On motion of Mr. Floyd, leave of absence was granted to Mr. Rosson.

On motion of Mr. Floyd, the reading of the journal of Saturday was dispensed with for the present.

Mr. Williams, on leave, from a select committee, made the following

REPORT:

Mr. President—

The select committee, to whom was referred House bill No. 272, to be entitled "an act to incorporate the town of Burrowville, in Searcy county, have had the same under consideration, and have instructed me to report it back to the Senate, with two amendments, and to recommend its passage, as amended.

D. C. WILLIAMS,
Chairman.

Strike out section 24, and insert the following:

"The town council of said town shall have the power to levy a tax on all taverns, dram-shops, shows, auctions, and exhibitions of the slight of hand, not to exceed the tax levied by the county court of said county, for like privileges."

Amend, by adding the following:

Sec. 28. The corporation limits of the town of Bentonville shall embrace all the metes and bounds embraced by the said commissioners of the county of Benton, for the purpose of locating said county site.

On motion of Mr. Douglas, the amendments proposed by the committee were adopted; and

On motion of Mr. Williams, the bill was read the third time, by title, and passed.

Mr. Askew presented the petition of sundry citizens of Union county, praying the passage of an act requiring the common school commissioners of said county to sell the south half of section 16, in township 19, south of range 10 west.

No. 206. Which petition was accompanied by a bill to be entitled "an act requiring the common school commissioner of the county of Union, to sell the south half of section 16, in township 19, south of range 10 west."

Read first time.

On motion of Mr. Askew, the rules were twice suspended, the bill read the second and third times, by title, and passed.

No. 207. Mr. Stirman, on leave, introduced a bill to be entitled "an act to incorporate the Dardanelle Female Institute."

Read first time.

On motion of Mr. Stirman, the rules were twice suspended, the bill read the second and third times, by title, and passed.

No. 208. Mr. McColloch, on leave, introduced a bill to be entitled "an act to authorize John R. Thornton and Edward A. Warren, jr., to practice law."

Read first time.

On motion of Mr. McColloch, the rules were twice suspended, the bill read the second and third times, by title, and passed.

No. 30. Mr. Terry offered the following joint resolution, to-wit:

Resolved, (the House of Representatives concurring,) That our Senators in Congress be, and they are hereby instructed, and our Representatives requested to use all proper means to secure, at the earliest possible moment, an extension from Des Arc to Madison of the mail contract between Fort Smith and Des Arc.

Which was read, and on motion of Mr. Floyd, adopted.

On motion of Mr. Gaines, the resolution of the House, proposing an adjournment, *sine die*, on Monday, the 14th day of February, 1859, was taken up and read.

Mr. Watkins moved to amend by striking out "Monday, the 14th February," and inserting *Thursday, the 17th of February.*

Mr. Gaines moved to amend by striking out "Monday, 14th February," and inserting *Monday 21st February.*

Which motion having precedence under the rules, Mr. Gaines called for the yeas and nays on its adoption.

Sustained and ordered:

Yeas—Messrs. Carrigan, Clark, Craighead, Davies, Douglas, Floyd, Gaines, Gould, Hammond, Jones, Marshall, McCreery, McColloch, Mecklin, Stirman, Terry and Mr. President—17.

Nays—Messrs. Askew, Trimble, Watkins and Williams—4.

So the motion prevailed.

On motion of Mr. Stirman, the resolution, as amended, was concurred in.

On motion of Mr. Jones, Senate bill No. 180, to be entitled "an act to establish the county of Buchanan," was taken up.

On motion of Mr. Floyd, the vote of Saturday, ordering said bill to its third reading, was reconsidered.

On motion of Mr. Carrigan, the name "Buchanan," wherever it occurs in the bill, was stricken out, and the name "Craighead" inserted in lieu thereof.

The bill was then read the third time, by title.

Mr. Craighead spoke against its passage, and demanded the yeas and nays thereon.

Sustained and ordered:

Yeas—Messrs. Clark, Davies, Floyd, Gaines, Gould, Hammond, Jones, McColloch, Mecklin, Stirman, Terry and Trimble—12.

Nays—Messrs. Askew, Carrigan, Craighead, Douglas, Marshall, McCreery, Watkins, Williams and Mr. President—9.

So the bill passed, with the following title:

A bill, to be entitled "an act to establish the county of Craighead."

Mr. Clark, from the committee on the landed interests of the state, made the following

REPORT:

Mr. President—

The committee on the landed interests of the state, to whom was referred the petition of Richard Blanton, have examined into and considered the same, and have instructed me to report that if the petitioner will make the additional payment, as he proffers, he can obtain the deed asked for under existing laws, which afford him an adequate remedy. No special act being necessary, your committee return the petition.

Respectfully submitted.

CLARK,
Chariman.

Which report was read, and adopted.

Mr. Carrigan asked and obtained leave to withdraw the papers returned by the committee.

Mr. Clark, from the committee, on counties and county lines, made the following

REPORT:

Mr. President.

The committee on counties and county lines, to whom was referred House bill No. 296, to be entitled "an act to define a portion of the line between the counties of Pope and Van Buren," have had the same under consideration, and have instructed me to report it back to the Senate with an amendment, and, with the amendment, to recommend its passage.

CLARK,
Chairman.

Amend by striking out the word "three," in the sixth line of the first section, and inserting the word "two," in lieu thereof.

On motion of Mr. Clark, the amendment was adopted.

On his further motion, the bill was read the third time, and passed.

Mr. Clark, from the committee on the landed interests of the state, made the following

REPORT:

Mr. President—

The committee on the landed interests of the state, to whom was referred Senate bill No. 184, to be entitled "an act to legalize the sale of lots No. 55 and 56, in the town of Gainesville, in the county of Greene, in this state," have instructed me to report it back to the Senate, and recommend its passage.

CLARK,
Chairman.

Which report was read and received.

On motion of Mr. Davies, the bill was read the third time, by title, and passed.

Mr. Williams moved to take up House bill No. 137, to be entitled "an act providing for the assessment of all lands at a true value;" and called for the yeas and nays on said motion.
Sustained and ordered:
YEAS—Messrs. Clark, Davies, Douglas, Gould, Marshall, McCreery, McColloch, Mecklin, Stirman, Trimble, Williams and Mr. President—12.
NAYS—Messrs. Askew, Carrigan, Craighead, Floyd, Gaines, Hammond, Jones, Terry and Watkins—9.

So the motion was lost—two-thirds of the Senate present having failed to vote for a suspension of the regular order of business, for the purpose of taking up the bill.

Mr. Gaines, from the committee on the judiciary, made the following

REPORT:

Mr. PRESIDENT—

The judiciary committee, to whom was referred Senate bill No. 201, to be entitled "an act to authorize Chas. W. Waugh, of Independence county, Arkansas, to take into his possession and dispose of all the real and personal property and estate of Lewis Naylor, deceased, a free negro, who died in Independence county," have considered the same and recommend its rejection.

GAINES,
Chairman.

Which report was read and received.

Mr. Askew moved its adoption.
Mr. Trimble demanded the yeas and nays thereon.
Sustained and ordered:
YEAS—Messrs. Askew, Carrigan, Clark, Craighead, Davies, Douglas, Floyd, Gaines, Gould, Hammond, Jones, Marshall, McCreery, McColloch, Mecklin, Terry, Watkins and Mr. President—18.
NAY—Mr. Trimble—1.
So the report was adopted, and the bill thereby rejected.

Mr. Hammond, from the committee on swamp and overflowed lands, made the following

REPORT:

Mr. PRESIDENT—

The committee on swamp and overflowed lands, to whom was referred Senate bill No. 81, to be entitled "an act to enable the purchasers of certain swamp lands to obtain deeds from the state, and for other purposes," have had the same under consideration, and a majority of said committee have instructed me to report it back and recommend its rejection.

HAMMOND,
Chairman.

Which report was read, and

On motion of Mr. Carrigan adopted and the bill thereby rejected.

Mr. Hammond further from the same committee made the following

REPORT:

Mr. PRESIDENT—

The committee on swamp and overflowed lands to whom was referred the petition of Jonathan Y. Davis and Eben N. A. Davis, have had the same under consideration and instruct me to report it back to the Senate and recommend its rejection.

HAMMOND,
Chairman.

Which report was read, and on motion of Mr. Terry adopted and the petition thereby rejected.

Mr. Hammond, further from the same committee made the following

REPORT:

MR. PRESIDENT—

The committee on swamp and overflowed lands to whom was referred Senate bill No. 56, to be entitled "an act concerning the selling and conveying of certain lands" have had the same under consideration and instruct me to report it back to the Senate and recommend its rejection.

HAMMOND,
Chairman.

Which report was read and on motion of Mr. Hammond adopted and the bill thereby rejected.

Mr. Hammond further from the same committee made the following

REPORT:

MR. PRESIDENT—

The committee on swamp and overflowed lands to whom was referred Senate bill No. 80, to be entitled "an act concerning the revenue arising from the taxation of swamp and overflowed lands" have instructed me to report the same back and recommend its rejection.

HAMMOND,
Chairman.

Which report was read, when

Mr. Askew moved its adoption.

Mr. Craighead called for the yeas and nays thereon.

Sustained and ordered.

Yeas—Messrs. Askew, Carrigan, Clark, Douglas, Floyd, Hammond, Marshall, McColloch, Mecklin, Pennington, Terry, and Watkins—12.

Nays—Messrs. Craighead, Davies, Gaines, Gould, Jones, McCreery and Mr. President—7.

So the report was adopted and the bill thereby rejected.

On motion of Mr. Watkins the Senate took a recess until 2½ o'clock, p. m.

2½ o'clock, p. m.

The Senate convened.

Roll called:

Present—Messrs. Askew, Carrigan, Clark, Craighead, Davies, Douglas, Floyd, Gaines, Gould, Hammond, Marshall, McCreery, McColloch, Mecklin, Pennington, Trimble, Watkins and Mr. President—18.

On motion of Mr. Hammond leave of absence was granted Mr. Williams.

Mr. McCreery offered the following

RESOLUTION:

Resolved, That the Secretary of the Senate be authorized to employ an additional assistant Secretary for the remainder of the session at not exceeding five dollars per day.

Which was read and on motion of Mr. Gould adopted.

On motion of Mr. Gould the vote of Saturday on the passage of Senate bill No. 90, to be entitled "an act to provide for the reception and safe keeping of the archives of the office of the Surveyor General proposed to be turned over to the authorities of this State by act of Congress of the United States approved, 12th June, 1840, and an act to amend said act approved January 22d, 1853, and for other purposes was reconsidered, and

On motion of Mr. Hammond the bill was recommitted to the committee on ways and means.

Mr. Hammond from the committee on swamp and overflowed lands made the following

REPORT:

Mr. President—

The committee on swamp and overflowed lands to whom was referred Senate bill No. 139, to be entitled "an act to compensate the State land agents for traveling expenses to and from the capitol when they make deposits and settlements" have had the same under consideration and instructed me to recommend its rejection.

HAMMOND,
Chairman.

Which report was read, and

On motion of Mr. Hammond adopted, and the bill thereby rejected.

Mr. Hammond further from the same committe made the following

REPORT:

Mr. President—

The committee on swamp and overflowed lands to whom was referred Senate bill No. 170, to be entitled "an act defining the price of swamp lands within six miles of Cache river" have had the same under consideration and a majority of said committee have instructed me to report it back and recommend its rejection.

HAMMOND,
Chairman.

Which report was read, and

On motion of Mr. Terry adopted and the bill thereby rejected.

Mr. Hammond further from the same committee made the following

REPORT:

Mr. President—

The committee on swamp and overflowed lands to whom was referred Senate bill No. 37, to be entitled "an act to repeal the 23d and 24th sections of chapter 103, of the digest under the head of cut-offs," have had the same under consideration, and a majority of said committee have instructed me to report it back, and recommend its rejection.

HAMMOND,
Chairman.

Which report was read and adopted and the bill thereby rejected.

Mr. Hammond further from the same committee made the following

REPORT:

Mr. President—

The petition and accompanying papers of E. K.

Haynes, which was referred to the committee on swamp lands, have been under consideration, and I beg leave to report them back and ask that the committee be discharged from the further consideration of the same.

HAMMOND,
Chairman.

Which report was read and adopted, and the committee discharged.

Mr. McColloch, from the committe on elections made the following

REPORT:

Mr. President—

The committee on elections to whom was referred House bill No. 253, to be entitled "an act to change the time of the meeting of the General Assembly of the State of Arkansas" beg leave to report said bill back to the Senate and asked to be discharged from any further consideration thereof.

J. B. McCOLLOCH,
Chairman.

Which report was read and adopted, and the committee discharged from the further consideration of the bill.

Mr. Davies moved to recommit the bill to the committee on the judiciary.

Which motion was lost.

Mr. Askew moved the indefinite postponement of the bill, on which motion Mr. Floyd demanded the yeas and nays.

Demand sustained and call ordered.

Yeas—Messrs. Askew, Craighead, Davies, Douglas, Gould, Marshall, McCreery, McColloch and Trimble—9.

Nays—Messrs. Carrigan, Clark, Floyd, Gaines, Hammond, Mecklin, Pennington, Terry, Watkins and Mr.President—10.

So the motion was lost.

Mr. Hammond moved to amend the bill by the following *proviso:*

Provided, That hereafter no general assembly shall continue in session longer than sixty five days.

Mr. Marshall called for the yeas and nays on the adoption of the amendment.

Sustained and ordered.

Yeas—Messrs. Askew, Carrigan, Clark, Douglas, Floyd, Gould, Hammond, Marshall, McColloch, Mecklin, Terry, Trimble and Watkins—13.

Nays—Messrs. Craighead, Davies, Gaines, McCreery, Pennington and Mr. President—6.

So the amendment was adopted.

Mr. Gould moved to amend the first section of the bill by by striking out "first Monday in October" and inserting "first Monday in December."

On which motion Mr. Floyd called for the yeas and nays.

Sustained and ordered.

Yeas—Messrs. Askew, Craighead, Davies, Douglas, Gaines, Gould, Hammond, Marshall, McCreery, McColloch and Trimble—11.

Nays—Messrs. Carrigan, Clark, Floyd, Mecklin, Pennington, Terry, Watkins and Mr. President—8.

So the motion prevailed and the amendment was adopted.

Mr. Floyd moved to read the bill the third time which motion was lost and the bill took its place under the rules.

Mr. Gaines from the committee on the judiciary made the following

REPORT:

Mr. President—

The judiciary committee to whom was recommitted Senate bill No. 193, to be entitled "an act to secure legal owners of real estate against trespassers on the same and prevent them from setting up a possessory title by being in possession ten years or more," have considered the same, and a majority of said committee have instructed me to report it back and recommend its rejection—Messrs. Gaines, Gould and Floyd, dissenting.

GAINES,
Chairman.

Which report was read, and

On motion of Mr. Davies adopted and the bill thereby rejected.

Mr. Carrigan from the committee on public buildings made the following

REPORT:

Mr. President—

The committee on public buildings have instructed me to report a bill, which is herewith presented, for the purpose of making an appropriation for repairing the State House.

A. H. CARRIGAN,
Chairman.

No. 209. Which report was received and the accompanying bill to be entitled "an act for repairing the State House," was read the first time.

On motion of Mr. Davies, the rules were suspended, and the bill was read the second time, by title, when

Mr. Hammond moved to amend by striking out "two thousand" and inserting "four thousand" in the first section.

Which motion was lost.

On motion of Mr. Floyd the rules were further suspended, the bill read the third time and passed.

On motion of Mr Gaines, House joint resolution No. 50, was taken up and read as follows:

Resolved by the General Assembly of the State of Arkansas, That the following amendments be proposed to the constitution of this State, to-wit:

1st. That the qualified voters of this State shall elect a Secretary of State, who shall hold his office for two years and until his successor is elected and qualified.

2nd. That the qualified voters of this State shall elect an Auditor for the State.

3rd. That the qualified voters of this State shall elect a Treasurer for the State.

4th. That the last clause of section 13, article 6, title judicial department be repealed and the following substituted in its place, to-wit:

There shall be elected by the qualified voters of this State, an attorney general for the State, who shall hold his office for the term of two years, and until his successor in office is duly elected and qualified. He shall be the chief law officer of the State, shall have his office at the seat of government, and shall perform such duties as may be required of him by law.

The yeas and nays were ordered on the first reading of the foregoing amendments and stood as follows:

Yeas—Messrs. Clark, Davies, Douglas, Floyd, Gaines, Gould, Hammond, Jones, Marshall, McCreery, Pennington, Trimble, Watkins and Mr. President—14.

Nays—Messrs. Askew, Carrigan, Craighead, McColloch, Mecklin and Terry—6.

So the amendment passed to the second reading under the two-third rule.

No. 210. Mr. Gaines introduced Senate bill to be entitled "an act to allow an increase of directors in the Memphis and Little Rock railroad company."

Read first time.

On motion of Mr. Gaines, the rules were twice suspended the bill read the second and third times, by title, and passed.

No. 211. Mr. Terry introduced Senate bill to be entitled "an act to amend the law regulating school lands."

Read first time.

On motion of Mr Terry the rules were suspended the bill read the second time, by title, and

On motion of Mr. Watkins it was referred to the committee on education.

No. 212. Mr. Pennington introduced Senate bill to be entitled "an act to define and establish a portion of the line between Hot Spring and Clark counties."

Read first time.

On motion of Mr. Pennington the rules were suspended, the bill read the second time, by title, and

On motion of Mr. Watkins it was referred to the committee on counties and county lines.

On motion of Mr. Hammond Senate bill No. 94, to be entitled "an act for the relief of John Wassell," and the accompanying papers were taken up and referred to the committee on public printing.

On motion of Mr. Floyd the Senate adjourned until 9 o'clock, to-morrow morning.

THOS. FLETCHER,
President.

* * *

TUESDAY, *February* 15, 1859.

The Senate met pursuant to adjournment.

Prayer by the chaplain.

Roll called.

PRESENT—Messrs. Askew, Carrigan, Clark, Craighead, Davies, Douglas, Floyd, Gaines, Gould, Hammond, Jones, Marshall, McCreery, McColloch, Mecklin, Pennington, Stirman, Terry, Trimble, Watkins and Mr. President—21.

The journal of yesterday was read, approved and signed—except the ballottings for Supreme Judge and the report of the swamp land investigating committee, the reading of which was dispensed with.

On motion of Mr. Floyd the reading of the journal was postponed for the present.

The following message was received from the governor:

Mr. PRESIDENT—

I am instructed by the governor, to report to the Senate of the General Assembly of the State of Arkansas, that on the 12th February, 1859, he approved and signed the amendment to the constitution of the State of Arkansas, proposed by the General Assembly, begun and held at the city of Little Rock, in the State of Arkansas, on the first Monday of November, A. D. one thousand eight hundred and fifty-six, and ratified by the General Assembly, begun and held at the city of Little Rock, on the first Monday of November, one thousand eight hundred and fifty-eight.

Resolved, That section twenty-nine, of article four, of the constitution of this state, be so amended, that no county now established by law, shall be deemed or considered unconstitutional on account of its containing a less number of square miles than nine hundred.

And that on the 12th day of February, 1859, the governor approved and signed the amendment to the constitution of Arkansas, proposed by the General Assembly, begun and held at the city of Little Rock, in the State of Arkansas, on the first Monday of November, A. D. one thousand eight hundred and fifty-six, and ratified by the General Assembly, begun and held at the city of Little Rock, on the first Monday of November, one thousand eight hundred and fifty-eight. The twenty-second section of the fourth article of the constitution is hereby stricken out and repealed, and instead thereof the following shall be inserted as an amendment to, and part of this constitution. "The state of Arkansas shall not be sued in any of its courts."

A. H. RUTHERFORD,
Acting Private Secretary.

On motion of Mr. Clark, Senate bill No. 172, to be entitled "an act to preserve and protect the rights of the state to certain lands," which was made the order for 10 o'clock this morning, was postponed until that hour to-morrow morning.

Message from the House of Representatives by the clerk:

Mr. President—

I am instructed to inform your honorable body that the House of Representatives have assented to Senate bill No. 12, to be entitled "an act to change the time of electing Representatives in Congress."

Said bill is herewith returned.

The House of Representatives have passed the following House bills, to-wit:

No. 364, to be entitled "an act making appropriations for the years 1859, 1860, and part of the year 1858, and for balances due from the state."

No. 369, to be entitled "an act to refund taxes in certain cases."

No. 372, to be entitled "an act for the relief of Robert White, jailer of Pope county, and Daniel Wells, sheriff of Drew county."

No. 374, to be entitled "an act to enable Nancy J. Langley, of Saline county, to sell certain lands."

Said four House bills are herewith transmitted for the assent of your honorable body, which is respectfully asked.

The House of Representatives have concurred in Senate amendment to House joint resolution relative to an adjournment *sine die* of the General Assembly.

S. M. SCOTT, *Clerk of*
House of Representatives.

Pursuant to order, Senate bill No. 175, to be entitled "an act to aid railroads," was taken up and read.

Mr. Marshall moved to lay the bill on the table until the 4th of July next.

On which motion, Mr. Floyd called for the yeas and nays; sustained and ordered:

YEAS—Messrs. Askew, Craighead, Davies, Douglas, Gaines, Jones, Marshall, McCreery, Redmond and Mr. President—10.

NAYS—Messrs. Carrigan, Clark, Floyd, Gould, McColloch, Mecklin, Stirman, Terry and Watkins—9.

Mr. Hammond, asked to be, and was excused from voting.

So the bill was laid on the table until the 4th of July next.

No. 213. Mr. Floyd introduced Senate bill to be entitled "an act concerning depositions to be read as evidence."

Read the first time.

On motion of Mr. Terry, the rules were suspended, the bill read the second time, by title, and referred to the committee on the judiciary.

No. 214. Mr. Redmond introduced Senate bill to be entitled "an act to incorporate the foreign labor emigration company, of Helena."

Read the first time.

On motion of Mr. Redmond, the rules were suspended, and the bill read the second time, by title.

On motion of Mr. Davies, the bill was amended by adding the following section:

Be it further enacted, That if there are any rights or privileges, or benefits that in any way might be valuable to said company, they are hereby granted.

On motion of Mr. Askew, the blank in the first section of the bill was filled with the following names, to compose the company proposed to be incorporated, viz:

Hezekiah Bussy, of Union county; J. S. Horner, of Phillips; W. W. Floyd, of Johnson county; F. P. Redmond, of Monroe, Sam. T. Abbott, of Ouachita; Thomas K. Smith, of Columbia, and William Q. Pennington, of Pulaski county.

On motion of Mr. Terry, the bill was then referred to the committee on memorials.

No. 215. Mr. McColloch introduced Senate bill, to be entitled "an act to graduate the price of swamp lands."

Read the first time.

On motion of Mr. Floyd, the rules were suspended, and the bill read the second time, by title.

Mr. Gaines moved to refer it to the committee on swamp and overflowed lands.

Mr. Askew called for the yeas and nays on the motion to refer the bill.

Sustained, and ordered:

YEAS—Messrs. Craighead, Gaines, Hammond, Jones, Mecklin, Redmond, Terry, Trimble and Mr. President—9.

NAYS—Messrs Askew, Carrigan, Clark, Davies, Douglas, Floyd, Gould, Marshall, McCreery, McColloch, Pennington, Stirman and Watkins—13.

So the motion to refer the bill was lost.

On motion of Mr. Stirman, the words "three hundred and twenty" were stricken out of the bill, and "one hundred and sixty" inserted in lieu of the same.

Mr. Hammond offered to amend the bill with the following proviso:

Provided, That said persons shall have improvements on such land to the value of one hundred dollars.

On motion of Mr. McColloch, the amendment was indefinitely postponed.

Mr. McColloch moved to suspend the rules for the third reading of the bill; on which motion Mr. Gaines called for the yeas and nays.

Sustained and ordered.

YEAS—Messrs. Askew, Carrigan, Clark, Davies, Douglas, Floyd, Gould, McCreery, McColloch, Pennington, Redmond, Stirman, Terry, Watkins and Mr. President—15.

NAYS—Messrs. Craighead, Gaines, Hammond, Jones, Marshall, Mecklin and Trimble—7.

So the rules were suspended, and bill read the third time, by title, when

Mr. Terry called for the yeas and nays on its passage.

Sustained and ordered.

YEAS—Messrs. Askew, Carrigan, Clark, Davies, Douglas, Floyd, McCreery, McColloch, Redmond, Pennington, Stirman, Terry and Trimble—13.

NAYS—Messrs. Craighead, Gaines, Gould; Hammond, Jones, Marshall, Mecklin, Watkins and Mr. President—9.

So the bill passed.

No. 216. Mr. Carrigan introduced a bill to be entitled "an act to encourage the Louisiana, Arkansas and Texas navigation company."

Read the first time.

Mr. Craighead moved the indefinite postponement of the bill; on which motion Mr. Carrigan called for the yeas and nays.

Sustained, and ordered.

YEAS—Messrs. Askew, Craighead, Douglas, Gaines, Gould, Hammond, Jones, Marshall, McCreery, Mecklin, Pennington, Redmond, Trimble, Watkins and Mr. President—15.

NAYS—Messrs. Carrigan, Clark, Floyd, McColloch and Terry —5.

So the bill was indefinitely postponed.

The following message was received from the House of Representatives, by their clerk:

MR. PRESIDENT—

I am instructed to inform your honorable body that the House of Representatives have concurred in Senate amendment to engrossed House bill No. 295, to be entitled "an act to limit the pay of witnesses in criminal cases."

The House of Representatives have passed House bill No. 375, to be entitle "an act for the relief of J. W. Williams."

No. 376, to be entitled "an act to change from the 2d to the 5th judicial circuit, the county of Hot Spring."

Said bills are herewith transmitted for the assent of your honorable body, which is respectfully asked.

The House of Representatives have assented to Senate bill No. 54, entitled " an act to provide for the correction of errors in the sale of state lands, and for other purposes."

Also, Senate bill No. 55, entitled " an act to enable land agents to issue certificates in certain cases, and for other purposes."

Said bills are herewith returned.

S. M. SCOTT, *Clerk of*
House of Representatives.

No. 217. Mr. Clark introduced Senate bill, to be entitled "an act to create the 7th judicial circuit."

Read first time.

On motion of Mr. Clark, the rules were suspended, and the bill read the second time, by title.

Mr. Pennington moved to amend the bill, by striking out the counties of Pike, Clark and Polk.

Which motion was lost.

Mr. Redmond moved to amend by striking out Montgomery county.

On motion of Mr. Floyd, the bill was made the order for three o'clock to-morrow evening.

Mr. Trimble, from the committee on enrollments, made the following

REPORT:

Mr. President—

The committee on enrollments have examined Senate bill No. 6, to cause all school funds to be paid directly to the commissioners of common schools.

Also, Senate bill No. 70, to revive swamp land scrip.

Also, House bill No. 156.

Also, House bill No. 228, to authorize Arkansas county to levy a road tax, and for other purposes; and have instructed me to report the same correctly enrolled.

J. S. TRIMBLE,
Chairman.

No. 218. Mr. Gould introduced Senate bill, to be entitled "an act supplementary to an act entitled an act to graduate the price of swamp lands."

Read the first time.

On motion of Mr. Gould, the rules were suspended, and the bill read the second time, by title.

Mr. Carrigan moved its indefinite postponement; on which motion, Mr. Gould called for the yeas and nays.

Sustained, and ordered.

YEAS—Messrs. Askew, Carrigan, Clark, Floyd, McCreery, McColloch, Mecklin and Pennington—8.

NAYS—Messrs. Craighead, Davies, Douglas, Gaines, Gould, Hammond, Jones, Marshall, Redmond, Stirman, Terry, Trimble, Watkins and Mr. President—14.

So the motion was lost.

On motion of Mr. Terry, the Senate took a recess until 2½ o'clock, p. m.

2½ O'CLOCK, P. M.

The Senate convened.

The roll called.

PRESENT—Messrs. Askew, Carrigan, Clark, Craighead, Davies, Douglas, Floyd, Gaines, Gould, Hammond, Jones, Marshall, McCreery, McColloch, Mecklin, Pennington, Redmond, Terry, Trimble, Watkins and Mr. President—21.

Mr. Terry asked, and obtained leave of absence for one hour.

No. 219. Mr. Gould introduced Senate bill, to be entitled "an act to quiet certain entries of swamp lands."

Read the first time.

On motion of Mr. Gould, the rules were suspended, the bill read the second time, by title, and

On motion of Mr. Pennington, it was referred to the committee on swamp and overflowed lands.

No. 220. Mr. Jones introduced Senate bill, to be entitled "an act to change the name of Mary Jane Wilson to Charlotte Ann Williams, and to constitute her a lawful heir of Henry Williams."

Read the first time.

On his motion the rules were twice suspended, the bill read the second and third times, by title, and passed.

No. 221. Mr. Trimble introduced Senate bill, to be entitled "an act to extend the time of the sheriffs' in taking the census or enumeration of the inhabitants of this state."

Read first time.

On motion of Mr. Trimble, the rules were suspended, the bill read the second time, by title, and

On motion of Mr. Watkins, it was referred to the committee on the judiciary.

No. 222. Mr. McColloch introduced Senate bill, to be entitled "an act to authorize the incorporated railroad companies to consolidate, etc.

Read first time.

On motion of Mr. McColloch, the rules were suspended, the bill read the second time, by title, and referred to the committee on internal inprovements.

Mr. Floyd was called to the chair.

On motion of Mr. Davies, Senate bill No. 148, to be entitled "an act to arrange the senatorial districts, and apportion representatives to the General Assembly among the several counties," was taken up and read the second time.

Mr. Askew offered to amend the bill by striking out all after the caption, and inserting the following:

Sec. 1. *Be it enacted by the General Assembly of the State of Arkansas,* That until the next enumeration of this state, under the constitution the apportionment of senators and representatives, passed at the session of 1854, be, and the same is hereby re-enacted, and declared to be in full force for the next four years.

Mr. McColloch moved to adopt the amendment.

Mr. Gaines moved its indefinite postponement, which motion having precedence, Mr. Askew called for the yeas and nays on its adoption.

Sustained and ordered.

Yeas—Messrs. Carrigan, Clark, Craighead, Davies, Douglas, Floyd, Gaines, Gould, Hammond, Jones, McCreery, Mecklin, Redmond, Stirman, Trimble and Watkins—16.

Nays—Messrs. Askew, McColloch, and Pennington—3.

So the amendment was indefinitely postponed.

On motion of Mr. Davies, the bill was read the third time, by title, and passed.

Mr. Hammond, from the committee on swamp and overflowed lands, made the following

REPORT:

Mr. President—

The committee on swamp and overflowed lands to whom was referred Senate bill No. 203, to be entitled "an act to hasten the sale of swamp and overflowed lands, and the building of levees, for the reclamation of the same," have had said bill under consideration, and beg leave to report it back, with two amendments, and as amended, recommend its passage.

HAMMOND,
Chairman.

Amend fourth section:

"And it is recommended that the governor let out contracts in as small quantities and to be done in as short time as shall be consistent with the judicious prosecution of the work.

Sec. —*Be it further enacted,* That this act shall not be so construed as to authorize the letting out of more contracts in any district than there will be confirmed swamp and overflowed ands to pay for the same, after paying all previous contracts in such district.

On motion of Mr. Craighead the amendments were adopted.

Mr. Clark offered to amend the bill by two additional sections, to:wit:

Sec. —*Be it further enacted*, that in all cases, when levee contractors shall be paid in land, which has been reclaimed or which may be reclaimed by such contract, and shall be valued by three disinterested citizens of the county, where the land is situated, which shall not be less than one dollar per acre, and such levee contractor shall receive such lands at the price per acre, assessed by such appraisers appointed by the governor.

Sec. — *Be it further enacted*, That no warrant issued to any levee contractor shall ever be located on any land out of the swamp land district, where the work was done, and that no levee contractor shall ever be entitled to receive any swamp land in payment of any work, out of the swamp land district where the work was done.

Which amendment was read, when Mr. Craighead moved its indefinite postponement, and called for the yeas and nays thereon.

Sustained and ordered.

Yeas—Messrs. Askew, Carrigan, Craighead, Douglas, Floyd, Gaines, Hammond, Jones, McCreery, Mecklin, Trimble, Watkins and Mr. President—13.

Nays—Messrs. Clark, Davies, Gould, Marshall, McColloch and Stirman—6.

Messrs. Redmond and Terry being absent when the question was stated, asked to be, and were excused from voting.

So the amendment was indefinitely postponed.

On motion of Mr. President, (Mr. Floyd in the chair,) the bill was read the third time, when

Mr. Craighead called for the yeas and nays on its passage.

Call sustained and ordered.

Yeas—Messrs. Askew, Carrigan, Craighead, Davies, Douglas, Floyd, Gaines, Gould, Hammond, Jones, Marshall, McCreery, Mecklin, Redmond, Stirman Trimble, Watkins and Mr. President—18.

Nays—Messrs. Clark, McColloch and Terry—3.

So the bill passed.

The following message was received from the House of Representatives, by the clerk:

Mr. President—

I am instructed to inform your honorable body that the House of Representatives have passed House bill No. 377, entitled "an act for the relief of the citizens of Napoleon."

No. 378, to be entitled "an act to enable administrators and executors to make title."

No. 379, to be entitled "an act to authorize the refunding of taxes which have been wrongfully paid upon swamp and overflowed lands."

No. 380, to be entitled "an act to define the line between Johnson and Pope counties."

No. 382, to be entitled "an act authorizing the county court of St. Francis county to levy a road tax."

No. 383, to be entitled "an act concerning the town of Yellville."

Said bills are herewith transmitted for the assent of your honorable body, which is respectfully asked.

The House of Representatives have assented to Senate bill No. 179, to be entitled "an act to incorporate the Ewing Institute, in the county of Johnson."

Said bill is herewith returned.

The House of Representatives have amended and assented to Senate bill No. 154, to be entitled "an act to change the line between Hot Springs and Saline counties."

Said bill is herewith returned, and the amendment transmitted for the concurrence of your honorable body, which is respectfully asked.

The House of Representatives have concurred in Senate amendment to House bill No. 258, to be entitled "an act for the relief of Erban E. Fort, late sheriff and collector of Independence county."

S. M. SCOTT, *Clerk of*
House of Representatives.

On motion of Mr. Terry, the Senate adjourned until 9 o'clock tomorrow morning.

THOS. FLETCHER,
President.

* * *

WEDNESDAY, *February* 16, 1859.

The Senate met pursuant to adjournment.

Prayer by the chaplain.

Roll called.

PRESENT—Messrs. Askew, Carrigan, Clark, Craighead, Davies, Douglas, Floyd, Gaines, Gould, Hammond, Jones, Marshall, McCreery, McColloch, Mecklin, Pennington, Stirman, Terry, Trimble, Watkins and Mr. President—21.

On motion of Mr. Floyd, the reading of the journal was postponed until 7 o'clock p. m.

Petitions from counties were in order.

No. 223. Mr. Floyd presented the petition of sundry citizens of Arkansas county, accompanied by a bill to be entitled an act to authorize J. S. Mayberry, administrator of R. D. Owen, deceased, to sell certain land in the county of Arkansas.

Read first time.

On motion of Mr. Floyd, the rules were twice suspended, the bill read the second and third times, by title, and passed.

Mr. Clark presented the petition of sundry citizens of Sebastian county, representing to the post office department, that in view of a stage route from Ft. Smith to Washington, Hempstead county, via Greenwood, in Sebastian county, it would greatly benefit the citizens on Hodges Prairie for said route to pass out from Greenwood, and take the old Red river road so as to intersect the Fort Smith and Waldron road, at or near L. B. Reagan's, and that the additional travel would not exceed two miles.

They therefore pray that said mail route be changed as above desired.

Which petition was read and on motion of Mr. Clark, referred to the committee on memorials.

Mr. Gaines moved to take up House joint resolution No. 50, proposing several amendments to the constitution, which was read the first time, on yesterday.

Mr. Craighead called for the yeas and nays, on the question to suspend the regular order of business.

The call was sustained and ordered.

Yeas—Messrs. Clark, Davies, Floyd, Gaines, Jones, Marshall, McCreery, Pennington, Stirman, Trimble, Watkins and Mr. President—12.

Nays—Messrs. Askew, Carrigan, Craighead, Douglas, Gould, Hammond, McColloch, Mecklin and Terry—9.

So the motion was lost under the two-thirds rule.

The following message was received from the House of Representatives by the clerk:

Mr. President—

I am instructed to inform your honorable body that the House of Representatives have passed the following House bills, to-wit:

No. 384, to be entitled "an act further to amend the charter of Helena."

No. 385, to be entitled "an act to incorporate the town of Des Arc."

No. 386, to be entitled "an act to amend an act to provide for the sale of the 16th sections, of the common school lands, in the counties of Pulaski, Izard, Fulton, Marion, Searcy, Bradley and Van Buren."

No. 387, to be entitled "an act to amend the estray laws of this state."

No. 388, to be entitled "an act to incorporate the Richmond and Des Arc plank and turnpike company."

No. 389, to be entitled "an act to change the name of Francis Marion Avera, to that of Francis Marion Madera, and make him a lawful heir of the same."

No. 390, to be entitled " an act for the benefit of the estate of Geo. W. Underhill, deceased.

No. 391, to be entitled " an act to incorporate the Washington county Mechanical Association."

No. 392, to be entitled " an act supplementary to an act, entitled " an act to repeal in part an act to authorize the counties of Jackson, Crawford, Pope, Lafayette, Phillips, Crittenden, Monroe, Columbia and Pulaski, to levy a road tax and for other purposes," passed at the present session of the General Assembly.

Said nine House bills are herewith transmitted for the assent of your honorable body, which is respectfully asked.

The House of Representatives have assented to the following Senate bills, to-wit:

No. 176, to be entitled " an act to repeal in part, an act entitled ' an act to authorize the counties of Jackson, Crawford, Pope, Lafayette, Phillips, Crittenden, Monroe, Columbia and Pulaski, to levy a road tax, and for other purposes.

No. 180, to be entitled " an act to establish the county of Craighead."

No. 202, to be entitled " an act to legalize the official acts of W. H. Blackwell, clerk of Perry county."

No. 207, to be entitled " an act to incorporate the Dardanelle Female Institute."

No. 208, to be entitled " an act to authorize John R. Thornton and Edward A. Warren, jr., to practice law."

Said five Senate bills are herewith returned.

The House of Representatives have concurred in Senate amendment to House bill No. 60, entitled " an act to prevent frauds and oppression, under color of judicial process."

The House have refused to concur in Senate amendment to House bill No. 107, to be eutitled " an act to repeal an act declaring Buffalo Fork of White river a navigable stream."

Said bill is herewith returned and the amendment transmitted for the further consideration of your honorable body; which is respectfully asked.

S. M. SCOTT, *Clerk of*
House of Representatives.

Pursuant to order Senate bill No. 172, to be entitled "an act to preserve and protect the rights of the State to certain lands" was taken up.

Mr. Gould offered to amend by the following additional sections, to-wit:

SECTION —. *Be it further enacted*, That in cases where lands mortgaged to the real estate bank of the State of Arkansas shall be offered for sale by virtue of any decree of foreclosure of the original stock mortgages, such lands shall not be sold, unless they sell for two-thirds of the original appraised value of the same at the time they were mortgaged to the real estate bank.

SEC. —. *Be it further enacted*, That in all cases where lands are decreed to be sold as in the preceeding section contemplated, it shall be lawful for the Governor, from time to time as often as necessary, to appoint a commissoner who shall have power to make sales under the decree of the court, and who shall give to each purchaser at such sales a certificate stating the lands sold and the price bid therefor, provided that no such certificate shall be given unless two-thirds of such appraised value of such land shall have been bid for such land, and all bids for a less sum shall be void, which certificate shall be filed in the office of the State treasurer by the purchaser who shall forthwith pay to the treasurer the purchase money and take duplicate receipts therefor, one of which he shall file with the Auditor, and on presentation of the other receipt to the commissioner making such sale, it shall be the duty of such commissioner to execute a deed to such purchaser for the land.

SEC. —. *Be it further enacted*, That in cases where by decree of the court, such lands are to be sold upon a credit either in whole or in part, it shall be the duty of such commissioner to give to the purchaser, in cases where the bid is for a sum not less than the two-thirds appraised value as aforesaid, a certificate as prescribed in the preceeding section, which certificate shall be filed with the treasurer as in said section specified, and the purchaser shall forthwith pay to the treasurer such sum, if any, as may be payable in cash; and shall execute bonds payable to the State of Arkansas for the whole or the residue of the purchase money, as the case may be, in accordance with the terms of the sales, and shall take duplicate receipts for the money and bond, or bonds, one of which shall be filed with the Auditor, and upon presentation of the other to the commissioner making such sale, it shall be the duty of such commissioner to execute to the purchaser a bond for title to the land purchased upon the full payment of the purchase money.

Which amendment was read and on motion of Mr. Clark adopted.

On motion of Mr. Gould the bill was read the third time, by title, and passed.

On motion of Mr. Stirman the vote of yesterday on the passage of Senate bill No. 215, to be entitled "an act to graduate the price of the swamp lands" was reconsidered.

Mr. Craighead moved to commit the bill to the committee on swamp and overland lands.

On which motion Mr. Floyd called for the yeas and nays.

Sustained and ordered.

YEAS—Messrs. Craighead, Douglas, Gaines, Gould, Hammond, Jones, Marshall, Mecklin, Terry, Trimble, Watkins and Mr. President—12.

NAYS—Messrs. Askew, Carrigan, Clark, Davies, Floyd, McCreery, McColloch, Pennington, Redmond and Stirman—10.

So the motion prevailed.

Mr. Davies from the committee on claims made the following

REPORT :

MR. PRESIDENT—

The committee on claims to whom was referred Senate bill No. 110, to be entitled "an act for the relief of the administrator and heirs at law of the late G. V. C. Johnson, deceased," have had the same under consideration and instruct me to report it back and recommend its passage.

DAVIES,
Chairman.

Which report was read and received, and

On motion of Mr. Jones the bill was read the third time and passed.

Mr. Terry from the committee on public printing made the following

REPORT :

MR. PRESIDENT—

The committee on public printing to whom was referred the claim of John Wassell, public printer in 1853 and 1854, for nineteen hundred and five dollars and twenty-four cents, have had the same under consideration and have examined the account item by item, and find it correct in every particular. The principal amount of this account is for printing the advertisements of the swamp land agents, in the Helena, Pine Bluff, Jacksonport, and Dardanelle districts. The swamp land districts are furnished with plats, maps &c., from the auditor's office; C. C. Danley was auditor at the time, and was also the proprietor and publisher of the Arkansas State Gazette and Democrat. These swamp land advertisements instead of being sent to the publisher of the Arkansas Whig for publication, were published in the State Gazette and Democrat. We further find that J. M. Butler was the public printer and gave bond to do the publishing of the General Assembly, proclamations, notices, and advertisements of the governor and other executive offices during the recess of the General Assembly between 1852 and 1854, that John Wassell was the assignee of the contract and entered into bond to do said public printing, &c. Wassell believing he was bound under his bond to publish the entire printing for the State and her officers, advertised the sale of swamp lands in the districts mentioned above.

We find that he did work for the State amounting to nineteen hundred and five dollars and twenty-four cents, for which he has never received one cent.

The committee after reporting these facts, instruct me to hand in the accompanying bill for the relief of John Wassell, and to recommend its passage.

TERRY, *Chairman,*
of the Committee on Printing.

No. 224. Which report was read and received, and the bill to be entitled "an act for the relief of John Wassell" was read the first time.

On motion of Mr. Terry the rules were suspended, and the bill read the second time, by title.

Mr. Davies moved to refer the bill to the committee on the judiciary.

Which motion was lost.

Mr. Terry moved to suspend the rules for the third reading of the bill; on which motion Mr. Trimble called for the yeas and nays.

Call sustained and ordered.

Yeas—Messrs. Askew, Carrigan, Clark, Craighead, Floyd, Gould, Hammond, McColloch, Mecklin, Stirman, Terry, Watkins and Mr. President—13.

Nays—Messrs. Davies, Douglas, Gaines, Marshall, McCreery, Pennington and Trimble—7.

So the rules were suspended and the bill read the third time.

Mr. Davies called for the yeas and nays, on its passage.

Which call was sustained, and ordered.

Yeas—Messrs. Askew, Carrigan, Clark, Floyd, Hammond, McColloch, Mecklin, Stirman and Terry—9.

Nays—Messrs. Craighead, Davies, Douglas, Gaines, Gould, Marshall, McCreery, Pennington, Trimble, Watkins and Mr. President—11.

So the bill did not pass.

Message from the House of Representatives by their clerk:

Mr. President—

I am instructed to inform your honorable body that the House of Representatives have adopted House joint resolution No. 66, relative to extending the time for locating certain donation claims which accrued under an act of Congress of the 24th May, 1828.

Said joint resolution is herewith transmitted for the assent of your honorable body, which is respectfully asked.

S. M. SCOTT, *Clerk of*
House of Representatives.

Mr. Redmond from the committee on internal improvements made the following report, which was presented by Mr. Carrigan:

Mr. PRESIDENT—

The committee on internal improvements to whom was referred Senate bill No. 222, to be entitled "an act to authorize the incorporated railroad companies in this State to consolidate, &c.," have instructed me to report the same back to the Senate with an amendment and as amended to recommend its passage.

REDMOND,
Chairman.

Amend by adding the following proviso:

Provided, That such consolidated companies under this act shall not exercise any other or further rights than are expressly authorized by the charter or charters granted by the legislature of the State of Arkansas, to such of said companies as may join in said consolidation.

On motion of Mr. McColloch, the amendment proposed by the committee was adopted.

On his further motion the bill was read the third time as amended.

Mr. Stirman demanded the yeas and nays on its passage.

Sustained and ordered.

YEAS—Messrs. Askew, Carrigan, Clark, Douglas, Floyd, Gaines, Gould, Hammond, McColloch, Mecklin, Pennington, Terry, Trimble and Watkins—14.

NAYS—Messrs. Craighead, Davies, Marshall, McCreery and Mr. President—5.

So the bill passed.

On motion of Mr. Gaines the Senate took a recess until 2½ oclock, p. m.

2½ O'CLOCK.

The Senate convened.

The roll was called.

PRESENT—Messrs. Askew, Carrigan, Clark, Craighead, Davies, Douglas, Floyd, Gaines, Gould, Hammond, Jones, Marshall, McCreery, McColloch, Mecklin, Pennington, Trimble, Watkins and Mr. President—19.

On motion of Mr. Douglas, house bills on the second and third readings and house joint resolutions were ordered to be taken up consecutively.

House bill No. 59, to be entitled "an act to declare Big Piney Creek navigable," was read the second time.

On motion of Mr. Floyd it was indefinitely postponed.

House bill No. 87, to be entitled "an act constituting certain orphan children legal heirs of G. W. Grant of Montgomery county, Arkansas," was read the second time.

On motion of Mr. Hammond, it was indefinitely postponed.

House bill No. 173, to be entitled "an act to amend section 11 of chapter 128, of Gould's digest, of the statutes of Arkansas," was read the second time.

On motion of Mr. McColloch the rules were suspended, and the bill read the third time, by title.

A discussion arose on the merits of the bill, at the conclusion of which it was on motion of Mr. Askew indefinitely postponed.

House bill No. 178, to be entitled an act to constitute certain orphan children lawful heirs of Greenbury Gibbs and Edia Gibbs of Montgomery county, Arkansas, was read the second time."

On motion of Mr. Hammond, it was indefinitely postponed.

House bill No. 33, to be entitled an act to change the mode of assessing and collecting the State and county taxes of Ouachita, Randolph, Benton and Greene counties was taken up and read the second time.

On motion of Mr. Davies the counties of Greene and Randolph were stricken out of and exempted from the provisions of the bill.

Mr. Gould offered to amend the bill by striking out all after the enacting clause and inserting the following :

Sec. 1. That each separate and disconnected tract of land, and each separate and disconnected city or town lot or lots, including the improvements, shall be assessed and valued separately.

Sec. 2. That it shall be the duty of the assessor in all cases to affix the value of property given in for taxation, which value shall be fixed at the time of assessment, and shall be as near equal and uniform upon each species of property as the nature, condition, situation and improvements will admit, taking as the standard of value the ruling market cash price, at the time and place, of each particular species of property.

Sec. 3. That if any person shall be dissatisfied with the value so fixed upon property by the assessor, such person his or her agent may by application to the county court at the term at which the assessment list is adjusted, have the same re-valued by the county court, upon testimony adduced, and upon the principle laid down in the preceeding section, and such revaluation shall be final.

Sec. 4. That all lands which are taxable shall be assessed and taxed by township, range, section, quarter section, tract, lot or part thereof, and the number of acres in each separate and disconnected tract, and in making out the assessment lists and tax books in each county in each year, all the lands which are assessed and taxed shall be put together in township and range order, that is to say, all lands in the same township and range according to the public surveys, shall be put together with the names of the owners, if known, and the sale of every tract of land for taxes, after the assessment for the year 1860, and thus placed upon the tax book in the appropriate township and range to which it belongs shall be void and vest no title in the purchaser.

Sec. 5. Section 31, chapter 148, and so much of section 15 of the same chapter of the digest as fixes the minimum price of lands at three dollars per acre, and provides for the value of property to be given in under oath, and all the laws and parts of laws in conflict with this act, are hereby repealed.

Which amendment was read.

Mr. McCreery moved its adoption, but on motion of Mr. Craighead the bill was referred, with the amendment, to the committee on the judiciary.

House bill No. 80, to be entitled "an act to constitute Julia Ann Rea and William Thomas Rea, legal heirs of Israel Burns and Rebecca Burns and entitling them to inherit jointly with the other children of said Israel and Rebecca," was taken up and read the third time, and

On motion of Mr. Carrigan indefinitely postponed.

House bill No. 93, to be entitled "an act to increase the pay of witnesses in the counties of Columbia, Lafayette, St. Francis, Hot Spring, White, Ashley, Union, Jackson, Ouachita, Poinsett, Desha, Phillips, Yell, Prairie and Sevier," was taken up and read the third time, and

On motion of Mr. Hammond passed.

On motion of Mr. Floyd the vote on the indefinite postponement of House bill No. 80, to be entitled "an act to constitute Julia Ann Rea and William Thomas Rea legal heirs of Israel Burns and Rebecca Burns and entitling them to inherit jointly with the other children of said Israel and Rebecca," was reconsidered.

And on his further motion the bill was passed.

House bill No. 107, to be entitled "an act to repeal an act declaring Buffalo Fork of White river a navigable stream in Marion county," was taken up and the amendment of the Senate in which the House refused to concur was

On motion of Mr. Watkins insisted on by the Senate.

House bill No. 124, to be entitled "an act to require the internal improvement commissioner of Lafayette, Polk, Pike, Sevier, Johnson, Phillips, Carroll, Jackson, Randolph, Marion, Van Buren, Benton, Newton, Montgomery, White, Prairie and Hempstead counties to loan the internal improvement fund out in sums not to exceed one hundred dollars to any one person" was taken up and read the third time and

On motion of Mr. Askew, indefinitely postponed.

House bill No. 126, to be entitled " an act for the relief of John McLain Sappington, of Chicot county, was read the third time, and the question being taken on its passage, the same was decided in the negative.

House bill No. 130, to be entitled "an act to authorize the county court of Clark county to establish a second election precinct, in the city of Arkadelphia," was taken up and read the third time and passed.

House bill No. 137, to be entitled "an act providing for the assessment of all lands at a true value," was taken up; and, being on its second reading,

Mr. Gould moved its reference to the committee on the judiciary.

On which motion, Mr. McCreery called for the yeas and nays.

Sustained, and ordered:

YEAS—Messrs. Askew, Carrigan, Craighead, Floyd, Gaines, Gould, Jones, McColloch, Pennington and Watkins—10.

NAYS—Messrs. Clark, Davies, Douglas, Hammond, Marshall, McCreery, Mecklin, Trimble and Mr. President—9.

So the bill was referred to the committee on the judiciary; and

On motion of Mr. Gould, the committee were instructed to report by 10 o'clock to-morrow morning.

House bill No. 200, to be entitled "an act providing for the appointing of a county attorney for the county of Independence," was taken up and read the third time, and

On motion of Mr. Trimble, indefinitely postponed.

House bill No. 253, to be entitled "an act to change the time of the meeting of the General Assembly of the State of Arkansas," was read the third time, and

On motion of Mr. Carrigan, indefinitely postponed.

House bill No. 285, to be entitled "an act to repeal an act, providing for the sale of fractional section 16, in township 6, north of range 9 east, in Crittenden county, approved 30th November, 1854, and for other purposes," was read the third time, and

On motion of Mr. Davies, passed.

House bill No. 314, to be entitled "an act to increase the pay of the associate justices of the county courts of Jackson, Pulaski, Poinsett and Lafayette counties," was read the third time, and

On motion of Mr. Davies, passed.

House joint resolution No. 3, asking the establishment of a mail route from Ultima Thule, Sevier county, to Boston, Bowie county, Texas," was read, and

On motion of Mr. Carrigan, adopted.

House joint resolution No. 3½, asking an increase of service on the mail route from Little Rock to Fort Smith, was read, and

On motion of Mr. Clark, adopted.

House joint resolution No. 6, asking an increase of service on the mail route from Washington, in Hempstead county, to Shreveport in Louisiana, was read, and,

On motion of Mr Carrigan, adopted.

House joint resolution No. 8, asking a change of the mail route from Camden to Eldorado, *via* Lisbon, so as to run by Buffalo, in Ouachita county, was read and adopted.

House joint resolution No. 9, asking the passage of an act by Congress, donating all the public lands in Arkansas for educational purposes, was read, and

On motion of Mr. Hammond, indefinitely postponed.

House joint resolution No. 11, asking a removal of the U. S. land office from Fayetteville, in Washington county, to Huntsville, in Madison county, was taken up and read.

Mr. Mecklin moved its indefinite postponement.

Which motion was lost.

Mr. Douglas moved its adoption.

On which motion Mr. Mecklin demanded the yeas and nays.

Sustained, and ordered:

YEAS—Messrs. Davies, Douglas, Floyd, Jones, Marshall, McCreery, Trimble and Watkins—8

NAYS—Messrs. Carrigan, Clark, Craighead, Gaines, McColloch, Mecklin and Mr. President—7.

Messrs. Hammond and Gould asked to be, and were excused from voting.

So the resolution was adopted.

House joint resolution No. 16, asking an act of Congress to furnish each clerk of the circuit court, in each county in this state, with copies of the journals of both houses of Congress, was read and adopted.

House joint resolution No. 18, asking Congress to pass an act to graduate and fix the price of all government land in this state, at twenty-five cents per acre, was read, and

On motion of Mr. Trimble, adopted.

House joint resolution No. 23, asking an increase of mail service from Litte Rock *via* Kinderhook, in Van Buren county, to Mt. Olive, in Izard county, from a weekly mail to a semi-weekly, was read, and

On motion of Mr. Floyd, adopted.

House joint resolution No. 29, asking the passage of an act by Congress for the relief of all persons who entered lands by pre-emption, belonging to the Cairo and Fulton railroad, was read, and

On motion of Mr. Pennington, adopted.

House joint resolution No. 35, asking an additional grant of land to the Fort Smith branch of the Cairo and Fulton railroad, embracing alternate sections within six miles limit on each side of said road, and the privilege to float the same on either side to the distance of twenty miles, was read, and

On motion of Mr. Floyd, adopted.

House joint resolution No. 36, asking the establishment of a mail route from Dover, in Pope county, *via* Big creek, in Newton county, to Forsyth, Taney county, Missouri, was read, and

On motion of Mr. Floyd, adopted.

House joint resolution No. 41, asking the passage of an act, by Congress, to confirm all selections of swamp lands made by the selecting agents in this state, was read, and

On motion of Mr. Clark, adopted.

House joint resolution No. 42, asking the establishment of a line of four horse coaches to carry the mail three times a week from Washington, in Hempstead county, *via* Pine Grove, in Hempstead county, Caddo Gap, Mount Ida, in Montgomery county, Waldron, in Scott county, to Fort Smith, in Sebastian county, and there to intersect with the overland mail to California, was read, and

On motion of Mr. Carrigan, adopted.

House joint resolution No. 48, asking the establishment of a mail route, to be carried in four horse coaches, from Madison, in St. Francis county, *via* Augusta, in Jackson county, to Searcy, in White county; also, the establishment of a tri-weekly line of four horse coaches from Helena, in Phillips county, to Madison, in St. Francis county, was read, and

On motion of Mr. McCreery, adopted.

House joint resolution No. 49, asking the establishment of a mail route from Hot Springs, in Hot Spring county, to Caddo postoffice, in Montgomery county, twice a week on horseback, was read, and

On motion of Mr. Hammond, adopted.

House joint resolution No. 50, to change the constitution of this state, so that the qualified voters may elect the secretary of state, treasurer, auditor, and an attorney-general, was taken up, and

Mr. Carrigan moved to refer it to the committee on the judiciary; on which motion, Mr. Gaines called for the yeas and nays.

Sustained, and ordered:

Yeas—Messrs. Askew, Carrigan and Craighead—3.

Nays—Messrs. Clark, Davies, Douglas, Floyd, Gaines, Gould, Hammond, Jones, Marshall, McCreery, McColloch, Mecklin, Pennington, Stirman, Trimble, Watkins and Mr. President—17

So the motion to refer was lost.

The resolution was then read the second time, and the yeas and nays ordered:

Yeas—Messrs. Clark, Davies, Douglas, Floyd, Gaines, Gould, Hammond, Jones, Marshall, McCreery, Pennington, Stirman, Trimble, Watkins and Mr. President—15.

Nays—Messrs. Askew, Carrigan, Craighead, McColloch, Mecklin and Terry—6.

So the amendment passed to the third reading by the two-thirds rule.

House memorial No. 16, asking an appropriation to erect a public building at Little Rock for the use of the courts and officers of the U. S., was taken up, read, and

On motion of Mr. Floyd, adopted.

On motion of Mr. Mecklin, Senate joint resolution No. 29, to allow the heirs of the Hon. B. H. Smithson, deceased, his *per diem* and mileage, until his successor was qualified and took his seat, was taken up, and read the second time.

On motion of Mr. Mecklin, the word "heirs" was stricken out of the resolution, and "widow" inserted in lieu thereof.

On his further motion, the resolution was read the third time and adopted.

Mr. Trimble, from the committee on enrollments, made the following

REPORT:

Mr. President—

The committee on enrollments did, on the 16th inst., hand to the governor for his approval, Senate bill No. 6, to cause all school funds to be paid directly to the commissioners of common schools.

Also, Senate bill No. 70, to revive swamp land scrip.

Also, House bill No. 156.

Also, House bill No. 228, to authorize Arkansas county to levy a road tax, and for other purposes; and have instructed me to report the same.

J. S. TRIMBLE,
Chairman.

On motion of Mr. McCreery, the Senate adjourned until 9 o'clock to-morrow morning.

THOS. FLETCHER,
President.

Thursday, *February* 17, 1859.

The Senate met pursuant to adjournment.

Prayer by the chaplain.

Roll called.

Present—Messrs. Askew, Carrigan, Clark, Craighead, Davies, Douglas, Floyd, Gaines, Hammond, Jones, Marhall, McCreery, McColloch, Mecklin, Pennington, Stirman, Terry, Trimble, Watkins and Mr. President—20.

The journal of Monday was read, approved and signed.

The following Message was received from the House of Representatives by their clerk:

Mr. President—

I am instructed to inform your honorable body that the House of Representatives have passed the following House bills, to-wit:

No. 114, to be entitled "an act for the relief of Anthony W. Cole, sheriff of Sevier county."

No. 396, to be entitled "an act to provide for the election of a tax assessor in Arkansas county."

No. 395, to be entitled "an act for the benefit of the free negroes and mulattoes in this state."

No. 363, to be entitled "an act for the relief of Elliott H. Fletcher, of Mississippi county."

Said four bills are herewith transmitted for the assent of your honorable body, which is respectfully asked.

The House of Representatives have adopted House joint resolution No. 67, relative to a mail route from Pine Bluff to Bastrop, Louisiana.

Said resolution is herewith transmitted for the concurrence of your honorable body, which is respectfully asked.

The House of Representatives have assented to the following Senate bills:

No. 73, to be entitled "an act to amend section 16, article 6, chapter 101, of Gould's Digest," with an amendment.

No. 125, to be entitled "an act for the incorporation of the town of Wittsburg."

No. 183, to be entitled "an act to index the deeds in Pulaski county."

No. 169, to be entitled "an act to legalize all public roads and highways in the several counties."

No. 109, entitled "an act to incorporate the town of Gainesville, in the county of Greene."

No. 151, entitled "an act to incorporate the trustees of the Female Academy of St. Catharine, Helena, Arkansas."

No. 162, entitle "an act to incorporate the town of Center Point,"

No. 149, entitled "an act to incorporate the Searcy Polytechnic school."

Said eight Senate bills are herewith returned.

The House of Representatives have amended and assented to Senate bill No. 130, entitled "an act to amend section 13, chapter 56, of Gould's Digest, under the head of "Criminal Law."

Said bill is herewith returned, and the amendments transmitted for the concurrence of your honorable body, which is respectfully asked.

The House of Representatives have rejected Senate bill No. 111, to be entitled "an act to give each editor of a newspaper, in the State of Arkansas, a copy of the Report of the Geological Survey of said state."

Said bill is herewith returned.

The House of Representatives have passed the following bills, to-wit:

No. 398, to be entitled "an act for the relief of H. E. Clark."

No. 287, entitled "an act to aid in the reclamation of swamp lands."

No. 397, entitled "an act to authorize the county courts of Phillips and Pulaski counties to levy a school tax, and for other purposes."

Said 3 bills are herewith transmitted for the assent of your honorable body, which is respectfully asked.

S. M. SCOTT, *Clerk of*
House of Representatives.

Mr. Trimble from the committee on enrollments, made the following

REPORT:

Mr. President—

The committee on enrollments have examined House bill No 60, to prevent frauds and oppression under color of judicial process.

Also, Senate bill No. 12, to change time of electing representatives to Congress.

Also, House bill No. 241.

Also, Senate bill No. 115, to provide for the management and control of the penitentiary.

Also, House bill No. 265.

Also, House bill No. 296, to define a portion of the line between the counties of Pope and Van Buren.

Also Senate bill No. 54, to provide for the correction of errors in the sale of state lands.

Also, House bill No. 295, to limit the pay of witnesses in criminal cases.

Also, House bill No. 95, to regulate weights and measures in this state.

Also, an act to provide for the management of the penitentiary.

Also, an act to enable the land agents to issue certificates in certain cases; and have instructed me to report the same correctly enrolled.

J. S. TRIMBLE,
Chairman.

On motion of Mr. Terry, the regular order of business was dispensed with, and Senate bill No. 107, to be entitled "an act for the relief of Henry Jacobi," was taken up and read the third time; and on motion of Mr. Floyd, passed.

On motion of Mr. Gaines, House bill No. 377, to be entitled "an act for the relief of the citizens of Napoleon," was also taken up.

Read the first time.

On his further motion, the rules were suspended, and the bill read the second time, by title.

On motion of Mr. Hammond, the rules were further suspended, the bill read the third time, by title, and passed.

Mr. Floyd, from the committee on banks, made the following report, touching the State Bank of Arkansas:

MR. PRESIDENT—

The standing committee on banks, have performed a part of their duty, by making an examination of the report of the financial receiver of the State Bank; and further, to see if said report contained a full and correct statement of the condition of the assets of said bank, by comparing and examining the same.

Your committee find that between the first of October, 1856, and the first of October, 1858, the sum of $292 28 was collected in specie, $700 in lands, and $36,944 31 in Arkansas bank funds, which consists in State Bank bonds, and the same being duly canceled, absorbs that much of the state debt.

The condition of the remaining assets of the bank may be put down as follows, viz:

Debts due the bank which are regarded as solvent	$70,000 00
The amount due the bank regarded as doubtful, out of which something may yet be realized..	177,756 65
Specie in the hands of the financial receiver, out of which must be taken a small amount for contingent expenses since the first of October, 1858.	2,003 28

There being no use for said specie in the bank, only to cover a very small contingent expense, the committee have instructed the financial receiver to invest the same in State Bank bonds, from time to time, when there is a sufficient amount on hand to purchase one or more of said bonds.

Under the operation of the present law, the financial receiver has full power to settle and liquidate with the debtors to the bank, and realize all that can be collected from its debtors, which is to be hoped, will be done by the meeting of the next session of the General Assembly, so that they may enact a law, if they should think proper, to sell the whole of the remaining debts due the bank, at public auction, for cash in hand, and by so doing, bring the affairs of the bank to a final close, so that the bank, its history, and its former unwise management may soon be erased from the history of the state, and the memory of its people.

It is to be hoped that the past history of banking in Arkansas will admonish the future legislator, and the rising generation, who are to assume and take charge of the government of this state, that banking in any form is an unwise policy, not to be for a moment tolerated, encouraged or suffered to exist.

The great evil that results from any species of banking is obvious to every one. During the great monetary crisis that spread over the United States in 1857 and 1858, almost every state in the Union sensibly felt the financial revulsion, and the result was, a great many heavy failures amongst commercial men, and a great quantity of goods and property of various kinds disposed of at great sacrifice, to meet pressing demands.

But how stood Arkansas in this eventful crisis, while failures and bankruptcies were every day occurring around her—she had no banks within her limits making loans and issuing promises to pay. The people did not owe the banks, and therefore were not compelled to sacrifice their property in order to pay bank debts. There was an abundance of money in the state with which to perform and carry on all the commercial transactions of the people—and a remarkable circumstance which ought not soon to be forgotten, is, that while there was thousands of failures in other states, there was not one in Arkansas, and confidence in her commercial men was not the least impaired. And the best reason for this was, there was no banks to be indebted to in the state which could by any means press them, at a time when least prepared to meet engagements.

This condition of things within the state has been looked to with much satisfaction by citizens of other states, and with other inviting circumstances, is now leading hundreds—yes, thousands of the best citizens of other states, to seek homes and settle the fertile lands of this *growing* state.

Another important fact can not be idly passed by, that while the people of Arkansas repudiate banking in any shape, the legislature has wisely enacted to exclude from circulation in state, all foreign bank bills of a less denomination than $20, which will leave the people with an abundance of sound metallic currency, sufficient to carry on and supply all the ordinary commercial wants of the state. Your committee cannot, in justice, close their report without saying that the present financial receiver of the State Bank, Hugh G. Wilson, esq., has exhibited no ordinary degree of industry in making himself familiar with the true condition of all the debts due the bank.

With a full share of confidence that he will, by his industry and perseverance, bring the affairs of the bank to a speedy settlement, at least by the meeting of the next General Assembly, this report is respectfully submitted.

WM. W. FLOYD,
Chairman of Senate Committee.

Which report was received.

On motion of Mr. Hammond, the amendment of the House to Senate bill No. 154, to be entitled "an act to change the line between Hot Spring and Saline counties, in the following words, viz:

Add to section one,

Thence along said line to the north-west corner of township three, south of range fifteen west; thence south two miles; thence east to the county lines; thence along said county line, as before,

Was taken up and concurred in.

On motion of Mr. Floyd, House bill No. 380, to be entitled "an act to define the line between Johnson and Pope counties," was taken up and read the first time.

On motion of Mr. Floyd, the rules were twice suspended, the bill read the second and third times, by title, and passed.

On motion of Mr. Askew, House bill No. 359, to be entitled "an act to incorporate the town of Eldorado, in the county of Union," was taken up and read the first time.

On motion of Mr. Carrigan, the rules were suspended, the bill read the second time, by title, and

On motion of Mr. Watkins, read the third time, by title, and passed.

No. 225. Mr. Carrigan, on leave introduced Senate bill to be entitled "an act to grant pre-emptions on the swamp lands to churches, camp-grounds and grave-yards."

Read the first time.

On motion of Mr. Craighead, the bill was rejected.

On motion of Mr. Jones, House bill No. 347, to be entitled "an act fixing an annual salary for the county and probate judges of Crittenden and St. Francis counties, and for other purposes," was taken up and read the first time.

On his motion the rules were suspended, and the bill read the second time, by title.

Mr. Jones offered to amend the bill by inserting the following, as the second and third sections of the bill.

Sec. 2. That the qualified voters in the county of St. Francis, in this state, shall, at the next general election, and every two years thereafter, elect an assessor and collector of taxes within and for said county, who shall hold his office for the term of two years, and until his successor is elected and qualified, and shall in all things be governed by the law regulating the assessment and collection of the revenue within this state.

Sec. 3. That said assessor and collector shall be commissioned by the governor, and shall give bond in such sum as the county court of said county of St. Francis shall prescribe, for the faithful performance of his duties as such assessor and collector; and that said bond shall be examined and approved by the said court, as is now required by law, in regard to the bonds of other county officers, and that this act take effect and be in force from and after the first day of January, 1860.

Which amendment was read, and on motion of Mr. Jones, adopted.

On his further motion the rules were suspended, the bill read the third time, by title, and passed.

On motion of Mr. Craighead, House bill No. 331, to be entitled "an act for making and repairing levees in Crittenden county," was taken up and read the first time.

On motion of Mr. Craighead, the rules were suspended, and the bill read the second time, by title.

Mr. Craighead offered to amend by an additional section:

SEC. —. *Be it further enacted*, That all the powers and privileges herein granted to Crittenden county be, and the same are hereby granted to the county of Mississippi, when, and provided two-thirds of all the justices of the peace of the last said county, at any session thereof, either regular or called for that special purpose, shall, after four weeks previous notice, and upon full opportunity for deliberation, accept and adopt the same, the vote and name of each justice being recorded so as to show who shall have voted for, and who against the acceptance of said powers and privileges.

Which amendment was read, and on motion of Mr. Watkins, adopted.

On motion of Mr. Floyd, the rules were suspended, the bill read the third time, by title, and passed.

Mr. Terry was called to the chair.

The following message was received from the governor:

MR. PRESIDENT—

I am instructed by the governor to report to the Senate of the General Assembly of the State of Arkansas, that on the 16th of February, 1859, he approved and signed "an act to cause all school funds to be paid directly to the commissioners of common schools for the several counties."

And, "an act to revive swamp land scrip, and to extend the time for locating the same."

A. H. RUTHERFORD,
Acting Private Secretary.

No. 226. Mr. Stirman introduced Senate bill to be entitled "an act to revive an act to incorporate the town of Dardanelle," approved January 17th, 1853.

Read the first time.

On motion of Mr. Stirman, the rules were twice suspended, the bill read the second and third times, by title, and passed.

Mr. Hammond from the committee on swamp and overflowed lands, made the following

REPORT:

MR. PRESIDENT—

The committee on swamp and overflowed lands, to whom was referred Senate bill No. 215, to be entitled "an act to graduate the price of the swamp and overflowed lands," have had the same under consideration, and a majority of a quorum of said committee instruct me to report the same back with an amendment, and recommend its passage—Hammond, Gaines and Craighead dissenting.

HAMMOND,
Chairman.

AMENDMENT.

Be it further enacted, That no persons shall be entitled to the provisions of this act, unless they have an improvement on said land worth fifty dollars, and this shall be proven by two disinterested witnesses, before any duly authorized officer.

On motion of Mr. McColloch, the amendment was adopted, and the bill read the third time, as amended.

Mr. Floyd moved the previous question on the passage of the bill, and the chair stated: "shall the main question now be put?" and the same was decided in the affirmative.

Mr. Floyd called for the yeas and nays on the passage of the bill.

Sustained and ordered:

YEAS—Messrs. Askew, Carrigan, Clark, Davies, Douglas, Floyd, Marshall, McCreery, McColloch, Pennington, Stirman, Terry, Trimble and Watkins—14.

NAYS—Messrs. Craighead, Gaines, Hammond, Jones, Mecklin and Mr. President—6.

So the bill passed.

Mr. Watkins, from the committee on ways and means, made the following

REPORT :

MR. PRESIDENT—

The committee on ways and means, to whom was referred House bill No. 132, to be entitled "an act to amend section 3d of chapter, 148, of Gould's Digest of the Statutes of Arkansas, in relation to state revenue," have had the same under consideration, and instruct me to report it back to the Senate and recommend its passage.

WATKINS,
Chairman.

Which report was read and received.

Mr. Floyd moved to postpone the bill indefinitely.

On which motion, Mr. Watkins called for the yeas and nays.

Sustained and ordered:

YEAS—Messrs. Floyd, Gaines, Hammond and Mecklin—4.

NAYS—Messrs. Askew, Carrigan, Clark, Craighead, Davies, Douglas, Jones, Marshall, McCreery, McColloch, Pennington, Stirman, Terry, Trimble, Watkins and Mr. President—16.

So the motion was lost.

On motion of Mr. McCrery, the bill was read the third time, when

Mr. Marshall called for the yeas and nays on its passage.

Sustained and ordered.

Yeas—Messrs. Askew, Carrigan, Clark, Craighead, Davies Douglas, Jones, Marshall, McCreery, McColloch, Pennington, Stirman, Terry, Trimble, Watkins and Mr. President—16.

Nays—Messrs. Floyd, Gaines, Hammond and Mecklin—4.

So the bill passed.

Mr. President resumed the chair.

On motion of Mr. Davies, the vote of yesterday, on the rejection of Senate bill No. 224, to be entitled "an act for the relief of John Wassell," was reconsidered, and

On his further motion the bill was made the order for 3 o'clock, p. m.

House bills on their first reading were ordered to be taken up.

House bill No. 26, to be entitled " an act to prescribe the duties of the courts of this state, in relation to amendments," was read the first time.

On motion of Mr. Watkins, the rules were suspended, and the bill read the second time by title.

Mr. Craighead moved to refer the bill to the committee on the judiciary.

Which motion was lost.

Mr. Askew offered to amend the bill by an additional section, viz:

Sec. — *Be it further enacted,* That hereafter the party continuing a cause, shall not be compelled to pay the costs of the term, but the taxing the same shall be within the discretion of the court.

Which amendment was read and adopted.

On motion of Mr. Terry, the bill was further amended, by striking out the words " one hundred and twenty-six," in the third section and inserting " one hundred and thirty three " in lieu thereof.

Mr. Craighead moved to amend the bill further, by striking out all after the word affidavit, in the first section.

Which motion was lost.

On motion of Mr. Floyd, the rules were suspended and the bill read the third time, by title,

Mr. Craighead called for the yeas and nays on its passage.

Sustained and ordered.

Yeas—Messrs. Askew, Carrigan, Clark, Davies, Douglas, Floyd, Marshall, McCreery, McColloch, Mecklin, Stirman, Watkins and Mr. President—13.

Nays—Messrs. Craighead, Gaines, Hammond, Pennington, Terry and Trimble—6.

So the bill passed.

House bill No. 40 to be entitled "an act to regulate the fees of witnesses," was taken up and read the first time.

Mr. Terry moved to reject the bill.

Which motion was lost, and

On motion of Mr. Floyd, the rules were suspended and the bill read the second time, by title.

Mr. Ferry moved to refer it to the committee on the judiciary.

Which motion was lost.

On motion of Mr. Watkins, the rules were further suspended, the bill read the third time, by title, when

Mr. Floyd called for the yeas and nays on its passage.'

Sustained and ordered.

Yeas—Messrs. Askew, Carrigan, Clark, Craighead, Douglas, Floyd, Gaines, Jones, Marshall, McCreery, McColloch, Trimble, Watkins and Mr. President—14.

Nays—Messrs. Hammond, Mecklin, Pennington, Stirman and Terry—5.

So the bill passed.

Mr. Trimble, from the committee on enrollment, made the following

REPORT:

Mr. President—

The committee on enrollment did, on the 17th inst., hand to the governor, for his approval, House bill No. 60, to prevent frauds and oppression under color of judicial process.

Also, Senate bill No. 12, to change the time of electing representatives to Congress.

Also, House bill No. 241.

Also, Senate bill No. 115, to provide for the management of the penitentiary.

Also, House bill No. 265.

Also, House bill No. 296, to define a portion of the line between the counties of Pope and Van Buren.

Also, Senate bill No. 54, to provide for the correction of errors in the sale of state lands.

Also, House bill No. 295, to limit the pay of witnesses in criminal cases.

Also, House bill No. 95, to regulate weights and measures in this state.

Also, an act to provide for the management of the penitentiary.

Also, an act to enable the land agents to issue certificates in certain cases, and have instructed me to report the same.

J. S. TRIMBLE,
Chairman.

On motion of Mr. Gaines, the Senate took a recess until 2½ o'clock, p. m.

2½ O'CLOCK, P. M.

The Senate met.

Roll called.

PRESENT—Messrs. Askew, Carrigan, Clark, Craighead, Davies, Douglas, Floyd, Gaines, Hammond, Marshall, McCreery, McColloch, Mecklin, Pennington, Stirman, Terry, Trimble, Watkins and Mr. President—19.

House bills on the first reading were resumed.

House bill, No. 62, to be entitled " an act to regulate the fees of attorneys for the state, and for other purposes, was read the first time, and

On motion of Mr. Watkins, indefinitely postponed.

House bill No. 110, to be entitled " an act to amend the law concerning creditors bills, attachments and garnishments," was read the first time, and

On motion of Mr. Floyd, indefinitely postponed.

Pursuant to order Senate bill No. 217, to be entitled " an act to create the seventh judicial circuit," was taken up, and being subject to amendment

Mr. Hammond moved to amend by an additional section, to-wit:

SEC. — *Be it further enacted*, That the salary of the judges of the circuit courts, in this state, shall be eighteen hundred dollars per annum.

Mr. Terry moved to amend the amendment by saying $2,000 instead of $1800.

Which motion was lost.

Mr. Hammond called for the yeas and nays on the adoption of his amendment.

Sustained and ordered.

YEAS—Messrs. Craighead, Davies, Gaines, Hammond, Jones, McCreery, Mecklin, Stirman Terry, Trimble and Mr. President—11.

NAYS—Messrs. Askew, Carrigan, Clark, Douglas, Floyd, Gould, Marshall, McColloch, Pennington and Watkins—10.

So the amendment was adopted.

Mr. Watkins moved the indefinite postponement of the bill as amended, on which motion Mr. Marshall called for the yeas and nays.

Call sustained and ordered.

YEAS—Messrs. Douglas, Marshall, Pennington and Watkins—4.

NAYS—Messrs. Askew, Carrigan, Clark, Craighead, Davies, Floyd, Gaines, Gould, Hammond, Jones, McCreery, McColloch, Mocklin, Stirman, Terry, Trimble and Mr. President—17.

So the motion was lost.

On motion of Mr. Floyd, the bill was read the third time.

Mr. Marshall called for the yeas and nays on its passage.

Sustained and ordered.

YEAS—Messrs. Askew, Carrigan, Clark, Craighead, Davies, Floyd, Gaines, Gould, Jones, McCreery, McColloch, Mecklin, Stirman, Terry, Trimble and Mr. President—16.

NAYS—Messrs. Douglas, Hammond, Marshall, Pennington and Watkins—5.

So the bill passed with the following title:

" A bill, to be entitled an act to create the seventh judicial circuit, and to increase the salary of the judges of the circuit courts in this state."

Pursuant to order Senate bill No. 224, to be entitled an act for the relief of John Wassell, was taken up.

Mr. Davies moved to strike out the first section of the bill.

Which motion was, after some discussion, lost.

On motion of Mr. Craighead, the bill was indefinitely postponed.

Honse bill No, 111, to be entitled an act to repeal in part an act declaring Little Red river a navigable stream, approved 30th December, 1844, was taken up and read the first time.

On motion of Mr. McCreery, the rules were twice suspended, the bill read the second and third times, by title, and passed.

House bill No. 117, to be entitled an act to repeal section 53, chapter 148, of Gould's Digest, was taken up and read the first time.

On motion of Mr Jones, the bill was made the special order of the day for to-morrow, at 10 o'clock, a. m.

House bill No. 119, to be entitled an act to authorize the county court of Searcy county to appropriate two thousand dollars out of the internal improvement fund of said county, to pay debts incurred by said county, in making public improvements, was taken up and read the first time.

On motion of Mr. Askew, the bill was indefinitely postponed.

On motion of Mr. Floyd, House bill No. 364, to be entitled an act making appropriatins for the years 1859, 1860 and part of 1858, and for balances due from the state, was taken up and read the first time.

On motion of Mr. Hammond, the rules were suspended, and the bill read the second time, by title.

On motion of Mr. Carrigan, the Senate resolved itself into a committee of the whole, to consider of said bill; Mr. Davies taking the chair, by request of the president.

After some time spent in deliberation, the committee arose, and through their chairman, reported progress, but not having completed the business before them, asked leave to sit again at 7 ½ o'clock, p. m.

Which report was adopted, and the Senate took a recess until the hour designated.

7½ O'CLOCK, P. M.

The Senate convened.

Roll called.

PRESENT—Messrs. Askew, Carrigan, Clark, Craighead, Davies, Douglas, Floyd, Gaines, Hammond, Jones, Marshall, McCreery, McColloch, Mecklin, Pennington, Stirman, Terry, Trimble, Watkins and Mr. President—20.

On motion of Mr. Floyd, the Senate resolved itself into the committee of the whole, and resumed the consideration of House bill No. 364, (the appropriation bill)—Mr. Davies taking the chair.

After some time spent in deliberation, the committee arose and through their chairman, reported the following amendments to said bill, viz:

Amend by adding the following item to section 1, to-wit:

Item 37.—To pay for the use of a vault in the State Bank, for the years 1857, 1858, 1859 and 1860, to be used by the state treasurer, for the safe-keeping of the public money, the sum of one hundred dollars each year.

Amend by item 38—

To pay A. J. Smith, for registering the Arkansas money, treasury warrants and state scrip, which was done under a resolution authorizing the committee on auditors and treasurer's books to have it done, the sum of one hundred dollars.

Amend by item 39—

To reimburse Thomas J. Bustin, for moneys paid by his assigners, for internal improvement land sold by the state as such by mistake, the sum of five hundred and fifty one and 15-100 dollars; and to reimburse James Aiken, for moneys paid by him for internal improvement land, sold by the state as such by mistake, the sum of one hundred and fourteen and 95-100 dollars; *Provided*, That the last two sums shall be paid out of the internal improvement fund, on the warrant of the auditor, which he shall issue to the above parties, or their agents, on application, and provided further, that the said Thomas J. Bustin, or his agent, on the reception of said warrant, shall surrender all his evidence of title to said auditor, who is hereby authorized to cancel the same.

Amend by item 40—

To pay George W. Reed, for delinquent tax list of Scott county, for the year 1855, the sum of thirty-three dollars and sixty cents.

Amend by item 41—

To pay John H. Crease, to reimburse him for extra clerk hire in the treasurer's office, and for extra work done in the treasurer's office, the sum of four hundred dollars.

Amendments to section 2:

Amend by saying "six dollars per day to the assistant secretary of the Senate, and the enrolling clerk of the House of Representatives," instead of "five dollars per day," to said assistant and clerk.

Strike out "two dollars per day," for servant hire to doorkeeper of the Senate, and insert "four dollars per day," and add the following words after "servant hire."

"And to pay the door-keeper of the Senate for contingent expenses of his office—*three hundred dollars.*

Insert after word "law," at end of section 2, "*Provided*, The chaplain of the Senate shall not receive any per diem pay for the recess of this General Assembly, from 23d of December, 1858, to 17th of January, 1859."

Strike out all of section 5, which appropriates $5,000 for repairs to be done on the state house.

Section one—

Amend first item as follows:

Insert after words "General Assembly" the words "*not including in the* journals *any public document* except the governor's message."

And strike out "ten thousand" and insert "seven thousand."

Amend 14th item as follows:

Strike out "four thousand" and insert "twenty-five hundred."

Amend 20th item as follows:

Strike out "two thousand" and insert "three thousand."

Amend 21st item as follows:

Strike out "four hundred" and insert "seven hundred."

Amend 33d item:

Provided, They have not been heretofore paid under resolution of either house.

Amend 36th item:

Strike out all after "1855" and insert "the sum of thirty-six hundred dollars is hereby appropriated out of any money in the treasury, not otherwise appropriated."

On motion of Mr. Floyd, the report of the committee of the whole was adopted, which was considered the adoption of the amendments.

On motion of Mr. Floyd, the bill was read the third time by title.

Mr. Watkins called for the yeas and nays on its passage.

Sustained and ordered.

Yeas—Messrs. Askew, Carrigan, Clark, Craighead, Davies, Floyd, Gaines, Hammond, Jones, McColloch, Mecklin and Mr. President—12.

Nays—Messrs. Douglas, Marshall, McCreery, Pennington, Stirman, Trimble and Watkins—7.

So the bill passed.

On motion of Mr. Hammond, the Senate adjourned until 9 o'clock to-morrow morning.

THOS. FLETCHER,
President.

◆

Friday, *February* 18, 1859.

The Senate met pursuant to adjournment.

Prayer by the chaplain.

Roll called.

Present—Messrs. Askew, Carrigan, Clark, Craighead, Davies, Douglas, Floyd, Gaines, Gould, Hammond, Jones, Marshall, McCreery, McColloch, Mecklin, Pennington, Stirman, Terry, Trimble, Watkins, and Mr. President—21.

The journal of Tuesday was read, approved and signed.

On motion of Mr. Floyd, the roll of the Senate was ordered to be called in alphabetical order, to give each senator an opportunity to call up any bill.

Mr. Clark called up House bill No. 336, to be entitled an act to authorize the county courts of Scott, Hot Springs, Marion, Calhoun, Monroe, Fulton and Conway counties, to borrow the internal improvement fund of their counties, for the purpose of building a court house.

Read the first time.

On motion of Mr. Clark, the rules were suspended, and the bill read the second time, by title.

Mr. Stirman moved to amend the bill by striking out the words "six per cent," in the third section, and inserting "ten per cent," in lieu of the same.

Which motion was lost.

On motion of Mr. Clark, the rules were again suspended, and the bill read the third time, by title, and passed.

The following message was received from the Governor:

EXECUTIVE OFFICE,
Little Rock, Ark's,
18*th February*, 1859.

TO THE PRESIDENT OF THE SENATE,

of the General Assembly of the State of Arkansas:

If the General Assembly will provide, by law, for the subscription, by the state, of sixty-seven thousand and eight hundred dollars of stock in the Memphis and Little Rock railroad company, and appropriate that amount of the five per cent. fund out of the state treasury, the money will be applied in accordance with the requirements of the compact between this State and the United States; and the completion of the road from White river to Little Rock, during the next eighteen or twenty months will be insured. I have this assurance from the president of the company; and my confidence in his energy and ability, and good management of such works, is so great, that I most respectfully recommend the adoption of the measure suggested. Then each member of the General Assembly who aids in this measure, will have the gratification of knowing that *one fund* which the state has derived from the United States has been, in good faith, applied to the object for which it was set apart and granted to the state. If this shall be done, the expectations of the people of our state, with regard to internal improvements, will, to *some extent*, be realized.

This $67,800, added to the forty thousand dollars already appropriated to the road, will enable the company to buy the iron; for the county of Pulaski and city of Little Rock each takes one hundred thousand dollars stock, for which bonds will be issued; and with the proceeds of $200,000 in bonds, the $107,800, in money, and the lands granted by Congress, the forty-five miles of road from White river to Little Rock can be completed and placed in operation at any rate in two years. It is in the power of the General Assembly to have this done by making the appropriation of the fund granted by the United States to the state. Shall we not have this road built? Shall our state let this opportunity pass without an effort to aid in accomplishing this great work that will add wealth and prosperity to the state, and be a lasting honor to the General Assembly that will insure its completion?

ELIAS N. CONWAY.

On motion of Mr. Terry, the foregoing message was referred to a select committee of three, with instructions to report by bill as early as practicable.

Mr. President appointed Messrs. Terry, Floyd and Watkins, such committee.

Mr. Trimble, from the committee on enrollments, made the following

REPORT:

Mr. President—

The committee on enrollments have examined Senate bill No. 180, to establish the county of Craighead.

Also, Senate bill No. 153.

Also Senate bill No. 202.

Also, Senate bill No. 179, to incorporate the Ewing Institute, in the county of Johnson.

Also, Senate bill No. 169, to regulate all public roads.

Also, Senate bill No. 176.

Also, Senate bill No. 208.

Also, Senate bill No. 207, to incorporate the Dardanelle Female Institute.

Also, Senate bill No. 149, to incorporate the Searcy Polytechnic School.

Also, House bill No. 258, for the relief of Urban E. Fort, late sheriff of Independence county; and have instructed me to report the same correctly enrolled.

J. S. TRIMBLE,
Chairman.

Mr. Craighead called up House bill No. 232, to be entitled "an act to change the manner of assessing the taxable property belonging to non-residents, and for other purposes, in the county of Mississippi."

Read the first time.

On his motion, the rules were suspended, and the bill read the second time by title.

On motion of Mr. Floyd, the rules were again suspended, the bill read the third time, by title, and passed.

Mr. Davies called up House bill No. 335, to be entitled "an act to authorize the county courts of Randolph, Crawford and Greene counties, to levy a road tax, and for other purposes."

Read first time.

On his motion, the rules were twice suspended, the bill read the second and third times, by title, and passed.

Mr. McColloch was called to the chair.

Mr. President Fletcher called up House bill No. 396, to be entitled "an act to provide for the election of a tax assessor in Arkansas county."

Read first time.

On motion of Mr. Floyd, the rules were suspended, and the bill read the second time, by title.

On motion of Mr. Floyd, the words "upon the assessment list," at the end of the third section, were stricken out, and the words "on the amount of taxes levied," inserted instead thereof.

On motion of Mr. Floyd, the rules were suspended, the bill read the third time, by title, and passed.

Mr. Floyd called up House bill No. 372, to be entitled "an act for the relief of Robert White, jailer of Pope county, and Daniel Wells, sheriff of Drew county, Arkansas."

Read first time.

On motion of Mr. Floyd, the rules were twice suspended, the bill read the second and third times, by title, and passed.

Mr. Gaines called up House bill No. 339, to be entitled "an act to define the time of holding the circuit courts of Drew, Crawford, Scott and Chicot counties."

Read first time.

On motion of Mr. Gaines, the rules were suspended, the bill read the second time, by title, and

On motion of Mr. Clark, the rules were further suspended, the bill read the third time, by title, and passed.

Message from the House of Representatives, by the clerk:

Mr. President—

I am instructed to inform your honorable body, that the House of Representatives have assented to the following Senate bill, to-wit:

Senate bill No. 148, to be entitled "an act to arrange the senatorial districts, and to apportion representatives to the General Assembly, among the counties."

The House of Representatives have rejected Senate bill No. 92, to be entitled "an act to incorporate the Des Arc, Dardanelle and Fort Smith railroad company."

The House of Representatives have assented to Senate bill No. 45, to be entitled "an act for the relief of F. G. Gardenhire, Robert L. Mitchell, George W. Stokes and Stephen L. Bush, of Lawrence county."

Said 3 bills are herewith returned.

The House of Representatives have passed the following House bills, to-wit:

No. 381, to be entitled "an act to abolish imprisonment of slaves for violating the criminal laws of this state, and for other purposes."

No. 399, to be entitled "an act regulating fees of officers in cases."

Said two bills are herewith transmitted for the assent of your honorable body, which is respectfully asked.

The House of Representatives have adopted House joint resolution, No. 69, relative to the sword of Gen. Allen Wood.

Said resolution is herewith transmitted for the concurrence of your honorable body, which is respectfully asked.

S. M. SCOTT, *Clerk of*
House of Representatives.

Mr. Douglas called up House joint resolution No. 69, proposing a meeting of the two houses in the Representative hall, on Saturday, the 19th inst , at twelve o'clock, for the purpose of receiving the sword worn and used by Gen. Allen Wood in the Mexican war, which the said Wood desired to present to the state.

Which was read, and

On motion of Mr. Douglas, concurred in by the Senate.

Mr. Gould called up House bill No. 287, to be entitled "an act to aid in the reclamation of swamp lands."

Read first time.

On motion of Mr. Gould, the rules were suspended, the bill read the second time, by title.

Mr. Terry moved to insert Pulaski county in the bill, but afterwards withdrew the motion.

Mr. Craighead moved to refer the bill to the committee on the judiciary.

Which motion was lost.

On motion of Mr. Gould, the bill was read the third time, by title, and passed.

Message from the House of Representatives by the clerk:

Mr. President—

I am instructed to inform your honorable body that the House of Representatives have passed House bill No. 15, entitled "an act to increase the compensation of circuit court judges."

Which is is herewith transmitted for the assent of your honorable body, which is respectfully asked.

The House of Representatives have adopted House joint resolution No. 70, relative to the remains of the Hon. Joseph J. Anthony.

Which is herewith transmitted for the concurrence of your honorable body, which is respectfully asked.

S. M. SCOTT, *Clerk of*
House of Representatives.

Mr. Hammond called up House bill No. 15, to be entitled "an act to increase the compensation of circuit judges."

Read first time.

On his motion, the rules were twice suspended, the bill read the second and third times, by title, and passed.

Mr. Jones called up House bill No. 382, to be entitled "an act to authorize the county court of St. Francis county to levy a road tax."

Read first time.

On motion of Mr. Jones, the rules were suspended, and the bill read the second time, by title.

Mr. Jones offered the following amendments:

Insert, in the caption, after the word "tax," "and for other purposes."

Amend by striking out "one-half of one per cent." and inserting "one-fourth of one per cent."

Sec. —. *Be it further enacted*, That hereafter the county court of the county of St. Francis shall not be authorized to allow the jailer of said county more than forty cents per day for the boarding and keeping of prisoners that may be committed to the jail of said county.

Sec. —. *Be it further enacted*, That the town of Richmond, in St. Francis county, be and the same is hereby incorporated, with all the privileges and restrictions granted to the town of Searcy by an act of this Assembly, passed and approved 24th December, 1852, and entitled "an act to incorporate the town of Searcy."

Sec. —. That said last mentioned act is hereby declared to be re-enacted, and applied to said town of Richmond, and that where the word "Searcy" applies in said act, the same shall, for the purpose of this act, be read "Richmond."

Sec. —. That the style of the incorporation shall be "The Corporation of Richmond," and shall have succession for "fifty years."

Sec. —. That the town constable shall have jurisdiction for the purpose of executing process in criminal causes, arising within said town, throughout the township of Richland, in said county."

Sec. —. That V. H. Henderson, William B. Lynch and John C. Hill, be appointed and authorized to order and hold an election, for the election of the corporate officers in said town, on the first Monday in April, 1859, and to act as judges thereof, and to appoint clerks of said election; and, if either of said judges fail to act, such as may be present, may appoint some one in their stead.

Sec. —. That said judges shall make return of their proceedings in said election, and of the aldermen elected, to the governor of the state, who shall commission him as in cases of other officers; and that this act take effect and be in force from and after its passage.

Which amendment was read, and

On motion of Mr. Floyd, adopted.

On motion of Mr. Jones, the bill was read the third time, by title, and passed.

Mr. Marshall called up House bill No. 329, to be entitled "an act to incorporate the Lawrence county Mining and Manufacturing Zinc Company, in the State of Arkansas."

Read first time.

On motion of Mr. Marshall, the rules were suspended, the bill read the second time, by title, and

On motion of Mr. Craighead, it was referred to the committee on the judiciary.

Mr. McCreery called up House bill No. 349, to be entitled "an act to incorporate the town of West Point, in White county."

Read first time.

On motion of Mr. McCreery, the rules were suspended, the bill read the second time, by title, when

Mr. Craighead moved to refer it to the committee on the judiciary.

Which motion was lost.

Mr. Gould moved to strike out the 38th section of the bill.

Which motion was also lost.

Mr. Hammond offered to amend by an additional section:

Sec. 38. That the town council shall have the right to grant licenses to taverns, dram-shops, billiard tables, ten-pin alleys, etc., for incorporation purposes.

On motion of Mr. McCreery, the amendment was laid on the table, and

On motion of Mr. Carrigan, the bill was read the third time, by title, and passed.

Mr. President resumed the chair.

Mr. McColloch called up Senate bill No. 106, to be entitled "an act to authorize the governor to subscribe for stock in certain railroads."

The bill being subject to amendment, Mr. McColloch offered to amend by striking out all after the enacting clause, and inserting the following, viz:

"That five hundred thousand dollars of the proceeds of the swamp lands in the Champagnolle district be and the same is hereby subscribed as stock in the Mississippi, Ouachita and Red river railroad, and the treasurer of this state is hereby required to issue swamp land scrip in favor of said company, or bearer, in 40, 80, 120 and 160 acre tracts, to be redeemed in swamp lands of said district.

"*Provided*, That said company shall first deposit the stock bonds of said company in favor of said district, for the amount of the stock subscribed as aforesaid; and

"*Provided further*, That the profits arising from said subscription of stock, shall be used exclusively for swamp land reclamation, in such manner as the General Assembly of this state shall direct."

Which amendment was read.

Mr. Hammond moved to refer the bill; but, after some discussion, withdrew the motion.

Mr. McColloch moved the adoption of the amendment.

Mr. Craighead moved the indefinite postponement of the bill and amendment.

Which motion was advocated by Mr. Craighead, but, before concluding, he gave way to Mr. Pennington, on whose motion, the Senate took a recess until 2½ o'clock, p. m.

2½ O'CLOCK, P. M.

The Senate met.

Roll called.

PRESENT—Messrs. Askew, Carrigan, Clark, Craighead, Davies, Douglas, Floyd, Gaines, Jones, Marshall, McCreery, McColloch, Mecklin, Pennington, Terry, Trimble, Watkins and Mr. President—18.

The question pending being on the motion of Mr. Craighead to postpone indefinitely the bill and amendment, under discussion when the Senate took a recess,

Mr. Floyd called for the previous question thereon and the question was stated from the chair "shall the main question be now put?" and decided in the affirmative.

Mr. Floyd then called for the yeas and nays, on the indefinite postponement of the bill and amendment,

Sustained and ordered:

YEAS—Messrs. Askew, Craighead, Davies, Douglas, Gaines, Hammond, Jones, Marshall, McCreery, Mecklin, Pennington and Mr. President—12.

NAYS—Messrs. Carrigan, Clark, Floyd, Gould, McColloch, Stirman, Terry, Trimble and Watkins—9.

So the bill and amendment were indefinitely postponed.

Mr. Askew having obtained the floor, moved to reconsider the vote of yesterday on the passage of House bill No. 364, (the appropriation bill) on which motion Mr. Floyd demanded the yeas and nays.

Sustained and ordered.

YEAS—Messrs. Askew, Craighead, Davies, Douglas, Marshall, McCreery and Trimble—7.

NAYS—Messrs. Carrigan, Clark, Floyd, Gaines, Jones, McColloch, Pennington, Terry, Watkins and Mr. President—10.

So the motion to reconsider was lost.

The calling of the roll alphabetically was resumed.

Mr. Mecklin called up House bill No. 391, to be entitled "an act to incorporate the Washington county Mechanical Association."

Read first time.

On his motion the rules were twice suspended, the bill read the second and third times, by title, and passed.

Mr. Pennington called up House bill No. 218, to be entitled "an act to provide for taking depositions of female witnesses."

Read first time.

On motion of Mr. Pennington the rules were suspended, the bill read the second time, by title.

Mr. Askew offered to amend by the following *proviso:*

Provided, That said depositions shall be taken at some place other than the house or home of the witness or witnesses.

Which amendment was adopted.

On motion of Mr. Hammond the rules were further suspended the bill read the third time by title, and the question being taken on its passage was decided in the negative.

Mr. Stirman called up House bill No. 398, to be entitled "an act for the relief of H. E. Clark."

Read first time.

On his motion the rules were suspended, the bill read the second time, by title, and

On motion of Mr. Askew referred to the committee on swamp and overflowed lands.

Mr. Terry from a select committee asked and obtained leave to make the following

REPORT:

Mr. President—

The select committee, to whom was referred the special message of the governor, have had the same under consideration and instruct me to report a bill in accordance with the recommendation of the governor and recommend its passage.

The committee return said message to the Senate and recommend that the secretary of the Senate be authorized to furnish the public printer a copy of the same and request its publication.

TERRY,
Chairman.

No. 226. Which report was read and adopted, and the accompanying bill to be entitled "an act to aid the Memphis and Little Rock railroad company, was read the first time.

On motion of Mr. Clark the rules were suspended, and the bill read the second time, by title, when

Mr. Askew offered the following as a substitute for the bill, to-wit:

"A bill to be entitled an act to aid in the construction of the Mississippi, Ouachita and Red River and the Memphis and Little Rock railroads:

Section 1. That section one and two of an act entitled "an act to distribute the proceeds of the 500,000 acres of land donated to the State of Arkansas for internal improvements," passed 30th December, 1848, be, and the same is hereby repealed.

SEC. 2. That from and after the passage of this act all monies arising from the sale of any portion of the five hundred thousand acre grant of land to the State of Arkansas for internal improvements, by Congress, shall, when collected, be paid into the treasury of the State; and not be distributed till the first day of January of each year, on which day of each year all monies then collected and on hand for internal improvements shall be distributed and divided among each of the railroad companies incorporated in this State in proportion to the number of miles of railroad each shall have at that time completed, equipped and in good running order. *Provided always*, That no railroad company shall be entitled to any share in such division that has not ten miles of said railroad completed, equipped and in good running order. And *provided also*, That no railroad company shall be entitled to draw more than one-half of all the money on hand at any one distribution; and it shall be the duty of each of said rail road companies to make satisfactory proof to the Auditor of public accounts on, or before the first day of January of each year as to the number of miles of railroad such company is entitled to draw for—when it shall be the duty of said Auditor to issue a certificate to such company on the Treasurer for such dividend.

SEC. 3. That before the Treasurer shall pay over to said company the dividend so certified by the Auditor the railroad company shall issue its stock to the State of Arkansas constituting said State a stockholder in said company to the extent of the dividend so paid over to said railroad company—which said stock shall be kept in the Treasury of this State, and any dividends hereafter arising on any of said stock shall be kept for a sinking fund of the State of Arkansas.

SEC. 4. That all laws and parts of laws in conflict with the provisions of this act, be and the same are hereby repealed, and that this act take effect and be in force from and after its passage."

Which was read.

Mr. McCreery offered the following as an amendment to said substitute:

Provided further, That the president and chief engineers of the different railroads in this State, that are embraced in this act, shall present to the governor their written affidavit under oath that said railroad or roads are at least two feet above high water mark before they shall be entitled to the benefit of this act.

Mr. Carrigan moved the indefinite postponement of the amendment, on which motion Mr. McCreery called for the yeas and nays.

Sustained and ordered:

YEAS—Messrs. Askew, Carrigan, Clark, Douglas, Floyd, Gaines, Gould, Hammond, Jones, McColloch, Mecklin, Stirman, Terry, Trimble, Watkins and Mr. President—16.

Nays—Messrs. Craighead, Davies, Marshall, McCreery and Pennington—5.

So the amendment was indefinitely postponed.

Mr. Askew then offered his substitute as an amendment to the bill and moved its adoption, on which motion the yeas and nays were called for and the call being sustained was ordered.

Yeas—Messrs. Askew, Carrigan, Clark, Floyd, Gaines, Gould, Hammond, Jones, McColloch, Mecklin, Stirman, Terry and Mr. President—13.

Nays—Messrs. Craighead, Davies, Douglas, Marshall, McCreery, Pennington, Trimble and Watkins—8.

So the amendment was adopted and became part of the bill.

Mr. Floyd moved that the rules be suspended for the third reading of the bill and Mr. Gaines called for the yeas and nays thereon.

The call was ~~sustained~~ and ordered.

Yeas—Messrs. Askew, Carrigan, Clark, Craighead, Douglas, Floyd, Gaines, Gould, Hammond, Jones, McColloch, Mecklin, Stirman, Terry, Watkins and Mr. President—16.

Nays—Messrs. Davies, Marshall, McCreery, Pennington and Trimble—5.

So the rules were suspended and the bill read the third time, by title, when Mr. Floyd moved the previous question on its passage an the chair stated "shall the main question be now put?" which was sustained.

Mr. Davies demanded the yeas and nays on the passage of the bill; which was sustained and ordered:

Yeas—Messrs. Askew, Carrigan, Clark, Craighead, Floyd, Gaines, Gould, Hammond, Jones, McColloch, Mecklin, Stirman, Terry, Watkins and Mr. President—15.

Nays—Messrs. Davies, Douglas, Marshall, McCreery, Pennington and Trimble—6.

So the bill passed.

Mr. Trimble from the committee on enrollments made the following

REPORT:

Mr. President—

The committee on enrollments, did on the 18th inst., hand to the governor for his approval, Senate bill No. 180, to establish the county of Craighead.

Also, Senate bill No. 153.

Also, Senate bill No. 202.

Also, Senate bill No. 179, to incorporate the Ewing Institute in the counnty of Johnson.

Also, Senate bill No. 169, to regulate all public roads.

Also, Senate bill No. 176.

Also, Senate bill No. 208.

Also, Senate bill No. 207, to incorporate the Dardanelle Female Institute.

Also, Senate bill No. 149, to incorporate the Searcy Polytechnic school.

Also, House bill No. 258, for the relief of Urban E. Fort late sheriff of Independence county; and have instructed me to report the same.

J. S. TRIMBLE,
Chairman.

Message from the House of Representatives, by their clerk:

Mr. President—

I am instructed to inform your honorable body that the House of Representatives have passed House bill No. 401, to be entitled and act for the relief of A. L. Huggins.

Said bill is herewith transmitted for the assent of your honorable body, which is respectfully asked.

The House of Representatives have assented to Senate bill No. 120, to be entitled an act to incorporate the White Sulphur Springs female high school.

Said bill is herewith returned.

The House of Representatives have amended and assented to Senate bill No. 167, to be entitled an act to repeal the road tax law in Hempstead county.

Said bill is herewith returned and the amendment transmitted for the concurrence of your honorable body, which is respectfully asked.

S. M. SCOTT, *Clerk of*
House of Representatives.

On motion of Mr. Gaines, the Senate adjourned until 9 o'clock to-morrow morning.

THOS. FLETCHER,
President.

* * *

Saturday, *February* 19, 1859.

The Senate met pursuant to adjournment.

Prayer by the chaplain.

The roll was called, when the following senators answered to their names:

Messrs. Askew, Carrigan, Clark, Craighead, Davies, Douglas, Floyd, Gaines, Gould, Hammond, Jones, Marshall, McCreery, McColloch, Mecklin, Pennington, Redmond, Stirman, Terry, Trimble, Watkins and Mr. President—22.

The journal of Wednesday was read, approved and signed.

Message from the House of Representatives, by the clerk:

Mr. PRESIDENT—

I am instructed to inform your honorable body that the House of Representatives have assented to the following Senate bills, to-wit:

No. 191, entitled "an act declaring L'Anguille river and Bayou Mason navigable streams.

No. 158, entitled "an an act to amend chapter 56, of the digest of 1858, under the head of descents and distributions.

No. 150, entitled an act to prevent captains and owners of steamboats, navigating any of the waters of this State, from employing free negroes and mulattoes on their boats.

No. 23, entitled an act to allow widows dower in choses in action.

No. 159, entitled "an act to amend chapter 25, of the digest of 1858, under the head of "bills of exchange."

No. 152, entitled "an act to incorporate the Phi Kappa Sigma College."

No. 177, entitled an act to constitute Loumis A. Humphries of White county in this State the legal heir of John B. Humphries of said county.

No. 178, entitled "an act to change the name of Sealy Parmelee Riddle to Zarrow Virginia Douthett."

No. 182, entitled "an act for the incorporation of the city of Fayetteville."

No. 195, entitled "an act to amend an act to incorporate the town of Pocahontas in the county of Randolph in the State of Arkansas, approved, 18th January, 1857."

No. 199, entitled "an act to change the time of holding the circuit courts in the counties of Poinsett and St. Francis, in the first judicial circuit."

No. 166, entitled "an act to amend, sec. 7, chap. 147, and sec. 51, chap. 148."

No. 186, entitled "an act to incorporate the Jefferson Female College."

No. 118, entitled "an act to amend the election laws of this State."

Said fourteen bills are herewith returned.

The House of Representatives have concurred in the amendments of the Senate to the following House bills, to-wit:

No. 20, entitled "an act to relieve certain purchasers of State lands."

No. 307, entitled an act for the election of tax assessors for the counties of Poinsett, White, Crittenden, Washington, Franklin and Scott in the State of Arkansas.

No. 213, entitled "an act to incorporate the town of Hamburg in Ashley county, approved, 14th Dec., 1854."

No. 210, entitled "an act to raise jailors' fees."

The House of Representatives have passed the following bill, to-wit:

No. 187, to be entitled "an act for the relief of W. C. Hazen of Prairie county."

Which is herewith transmitted for the assent of your honorable body, which is respectfully asked.

S. M. SCOTT, *Clerk of*
House of Representatives.

Mr. Gaines, from the committee on the judiciary, made the following

REPORT:

Mr. President—

The judiciary committee, to whom was referred Senate bill No. 221, to be entitled "an act to extend the time of the sheriffs in taking the census or enumeration of the inhabitants of this state," have had the same under consideration, and have instructed me to report the same back to the Senate, and recommend its passage.

GAINES,
Chairman.

Which report was read, and received, and

On motion of Mr. Trimble, the bill was read the third time and passed.

The calling of the roll alphabetically, was resumed where the same was left off.

Mr. Watkins called up House bill No. 378, to be entitled "an act to enable administrators and executors to make title."

Read the first time.

On motion of Mr. Watkins, the rules were twice suspended, the bill read the second and third times, by title, and passed.

Mr. Askew called up House bill No. 330, to be entitled "an act to empower the probate judges of the several counties, in vacation, to authorize administrators, executors and guardians to lease real estate and hire out slaves."

Read the first time.

On motion of Mr. Floyd, the rules were suspended, and the bill read the second time, by title.

On motion of Mr. Askew, the rules were again suspended, the bill read the third time, by title, and passed.

Mr. Carrigan called up the amendment of the House to Senate bill No. 167, to be entitled "an act to repeal the road tax law in Hempstead county."

Which amendment was concurred in by the Senate.

Mr. Redmond called up House bill No. 365, to be entitled "an act to grant James T. Harris a charter to make a turnpike or plankroad across White river bottom in Monroe county."

Read the first time.

On motion of Mr. Redmond, the rules were twice suspended, the bill read the second and third times, by title, and passed.

Mr. Askew called up the amendments of the House to Senate bill No. 10, to be entitled "an act for the relief of certain purchasers of land from the state."

Which amendments were concurred in.

Mr. Carrigan called up House bill No. 361, to be entitled "an act for the relief of the creditors, heirs and distributees of the estate of Daniel E. Williams, deceased, late of Hempstead county."

Read the first time.

On motion of Mr. Carrigan, the rules were twice suspended, the bill read the second and third times, by title.

Mr. Carrigan, called for a division on the passage of the bill, and the question was lost by a tie vote.

Mr. Clark called up House bill No. 353, to be entitled "an act extending the time for collecting the revenue of 1858, in Sebastian county, and for other purposes."

Read the first time.

On motion of Mr. Clark, the rules were twice suspended, the bill read the second and third times, by title, and passed.

Mr. Craighead called up House bill No. 401, to be entitled an act for the relief of A. L. Huggins."

Read the first time.

On motion of Mr. Davies, the rules were suspended, the bill read the second time, by title, and referred to the committee on swamp and overflowed lands.

Mr. Davies called up House bill No. 234, to be entitled "an act to relieve Randolph county, Arkansas, from the operations of the 20th, 21st and 22d sections of chapter 44, of Gould's Digest of the Statutes of Arkansas."

Read the first time.

On motion of Mr. Davies, the rules were twice suspended, the bill read the second and third times, by title, and passed.

Mr. Douglas called up House bill No. 254, to be entitled "an act to exempt Benton, Crawford and Sebastian counties from the operations of an act entitled an act to prevent the sale of spirituous liquors and wines to Indians, and to make the laws of this state conform in this behalf, as near as may be, to the act of Congress, entitled an act to regulate trade and intercourse with the Indians tribes, and to preserve peace on the frontiers," approved January 15, 1857.

Read the first time.

On motion of Mr. Douglas, the rules were twice suspended, the bill read the second and third times, by title, and passed.

Mr. Floyd called up House bill No. 230, to be entitled "an act for the relief of John R. Titsworth and John Titsworth, of Franklin county."

Read the first time.

On motion of Mr. Floyd, the rules were twice suspended, the bill read the second and third times, by title, and passed.

Mr. President called up House bill No. 363, to be entitled "an act for the relief of Elliott H. Fletcher, of Mississippi county."

Read the first time.

On motion of Mr. Gaines, the rules were suspended, the bill read the second time, by title, and

On motion of Mr. Craighead, it was referred to the committee on swamp and overflowed lands.

Mr. Gaines called up House bill No. 397, to be entitled "an act authorizing the county courts of Phillips and Pulaski counties to levy a school tax, and for other purposes."

Read the first time.

On motion of Mr. Redmond, the rules were suspended, and the bill read the second time, by title.

On motion of Mr. Askew, the same was referred to the committee on education.

Mr. Gould called up House bill No. 117, to be entitled "an act to repeal section 53, chapter 148, of Gould's Digest;" which was on the second reading.

On motion of Mr. Gould, the bill was rejected.

Mr. Gould then, on leave, called up House bill No. 351, to be entitled "an act to amend the laws of this state concerning revenue, and for other purposes."

Read the first time.

On motion of Mr Gould, the rules were twice suspended, the bill read the second and third times, by title, and passed.

Mr. Watkins was called to the chair.

The following message was received from the governor:

Mr. President—

I am instructed by the governor, to report to the Senate of the General Assembly of the State of Arkansas, that on the 17th February, 1859, he approved and signed "an act to provide for the correction of errors in the sale of state lands, and for other purposes."

"An act to enable the land agents to issue certificates in certain cases, and for other purposes."

"An act to provide for the management and control of the penitentiary."

"An act to legalize the official acts of W. H. Blackwell, clerk of Perry county."

"An act to authorize the clerk of Pulaski county to transcribe the old indexes of deeds, etc., in his office."

"An act to incorporate the Searcy polytechnic school."

"An act to repeal in part, an act entitled an act to authorize the counties of Jackson, Crawford, Pope, Lafayette, Phillips, Crittenden, Monroe, Columbia and Pulaski, to levy a road tax."

"An act to legalize all public roads and highways in the several counties."

"An act to authorize John R. Thornton and Edward A. Warren, jr., to practice law."

"An act to incorpotate the Ewing institute, in the county of Johnson, and State of Arkansas."

And "an act to incorporate the Dardanelle female institute."

A. H. RUTHERFORD,
Acting Private Secretary.

Mr. Hammond, on leave, offered a joint resolution to authorize John H. Crease to receive, receipt for, and take charge of the archives of the surveyor general's office of the United States, at Little Rock, proposed to be turned over to the authorities of this state under certain acts of Congress.

Read the first time.

On motion of Mr. Gould, the rules were suspended, and the resolution read the second time.

No. 227. Mr. Jones offered as a substitute for said resolution a bill to be entitled "an act to provide for the reception and safekeeping of the archives of the office of the surveyor general, proposed to be turned over to the authorities of this state, by acts of the Congress of the United States, approved 12th January, 1840, and an act to amend said act, approved January 22d, 1853, and for other purposes."

Read the first time.

On motion of Mr. Carrigan, the rules were suspended, and the bill read the second time, by title.

On motion of Mr. Hammond, the bill and resolution were referred to a select committee of three.

Mr. President appointed as such committee, Messrs. Hammond, Jones and McColloch.

Mr. McCreery called up House bill No. 367, to be entitled "an act to authorize G. P. Shackelford, of Springfield, Missouri, to sell certain lands in this state belonging to the minor heirs of William Shackelford, deceased."

Read the first time.

On motion of Mr. McCreery, the rules were suspended, the bill read the second time, by title, and on motion of Mr. Terry, it was indefinitely postponed.

The following message was received from the House of Representatives, by their clerk:

Mr. President—

I am instructed to inform your honorable body that the House of Representatives have concurred in the amendments of the Senate to House bill No. 364, to be entitled "an act making appropriations for the years 1859, 1860, and part of 1858, and for balances due from the state.

S. M. SCOTT, *Clerk of*
House of Representatives.

Mr. Jones called up Senate bill No. 93, to be entitled "an act to incorporate the Helena and Iron Mountain railroad company."

Read the third time.

Mr. Craighead moved to recommit the bill.

Which motion was lost, and

On motion of Mr. Hammond, the bill was indefinitely postponed.

On motion of Mr. Davies, the Senate took a recess of ten minutes.

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12 o'clock, m.

The Senate was called to order.

The following message was received from the House of Representatives by their clerk:

Mr. President—

I am instructed to inform your honorable body that the House of Representatives are now ready to receive your honorable body in their hall for the purpose of receiving the sword worn by Gen. Allen Wood, in the late Mexican war.

S. M. SCOTT, *Clerk of*
House of Representatives.

On motion of Mr. Floyd, the Senate repaired to the Hall of Representatives, and being seated, the President of the Senate announced the object of the convention of the two houses.

Hon. Thomas Bateman of the House, arose, and after making some remarks appropriate to the occasion, presented the sword, worn by Gen. Allen Wood in the late Mexican war, which was received by Hon. D. McCreery of the Senate, in behalf of the state, who responded to the remarks of Mr. Bateman in an eloquent address which was received by the convention with much applause and satisfaction.

The Senate then returned to their chamber, and

On motion of Mr. Trimble, took a recess until 2½ o'clock, p. m.

2½ O'CLOCK, P. M.

The Senate convened.

Roll called:

PRESENT—Messrs. Askew, Carrigan, Clark, Craighead, Davies, Douglas, Floyd, Gaines, Gould, Hammond, Jones, Marshall, McCreery, McColloch, Mecklin, Pennington, Redmond, Stirman, Terry, Trimble, Watkins and Mr. President—22.

Mr. Marshall called up House bill No. 381, to be entitled "an act to abolish imprisonment of slaves for violating the criminal laws of this state, and for other purposes."

Read the first time.

On motion of Mr. Marshall, the rules were twice suspended, the bill read the second and third times, by title, and passed.

Mr. Watkins, from a select committee, presented the following

REPORT:

Mr. PRESIDENT—

The committee, to whom was referred the message of the governor, recommending the subscription of the sum of $67,800, out of the five per cent. fund, as stock in the Memphis and Little Rock railroad company, beg leave to make the following additional report

Your committee find that by the act of Congress of the 23d June, 1836, five per cent. of the net proceeds of the sale of lands lying within the state, which shall be sold by Congress after the 1st July, 1836, after deducting the expense of sale, shall be reserved for making public roads and canals within the state. See Digest of 1858, page 64.)

Your committee further find that up to the 1st day of January, 1857, there had accrued to the state of the five per cent. fund, the sum of $140,190 93. Of this sum there was deposited in the state bank, as a part of its capital, the sum of $61,065 18. (See report of accountants of state bank, of 1858, page 88.) On that sum a dividend had been declared by the bank of the sum of $7,611 72; (see same report and page,) making an aggregate of $68,676 90, of principal and dividend, deposited in the state bank. (See also, auditor's report of 1858, page 25.)

Your committee also find that the authorities of the United States, by virtue of a joint resolution of Congress, approved March 3d 1845, have retained of the five per cent. fund the sum of $79,125 75, and applied the same to the payment of interest due on the bonds of the state, issued to the State Bank and Real Estate Bank.

This sum of $79,125 75, so retained, by authority of Congress, and the sum of $68,676 90, principal and dividend, so deposited in the State Bank, amounts in the aggregate to the sum of

$147,802 65, of which amount the sum of $80,000, has by an act of the present session of the General Assembly, been appropriated as a subscription in railroad stock, leaving in the hands of the state the sum of $67,802 65, yet unappropriated.

Your committee therefore coincide in the views of the governor and recommend the passage of a bill to that effect.

FRANCIS A. TERRY,
Chairman.
W. W. WATKINS,
Wm. W. FLOYD.

Which report was received.

Mr. McCreery called up House bill No. 193, to be entitled an act concerning the internal improvement fund of White county, Arkansas.

Read first time.

On motion of Mr. McCreery, the rules were twice suspended, the bill read the second and third times, by title, and

On motion of Mr. McColloch, it was indefinitely postponed.

Mr. Trimble, from the committee on enrollments, made the following

REPORT:

Mr. President—

The committee on enrollments have examined Senate bill No. 151, to incorporate the trustees of the female academy of St. Catharine.

Also, Senate bill No. 154, to change the line between Hot Spring and Saline counties.

Also, Senate bill No. 45.

Also, Senate bill No. 148, to arrange the senatorial districts, and to apportion representatives to the General Assembly, among the counties.

Also, House joint resolution No. 6.

Also, House joint resolution No. 48.

Also, House joint resolution No. 29.

Also, House joint resolution No. 8.

Also, House joint resolution No. 3.

Also, House joint resolution No. 11.

Also, House joint resolution No. 23.

Also, House joint resolution No. 18.

Also, House joint resolution No. 16.

Also, House joint resolution No. 41.

Also, House joint resolution No. 42.

Also, House joint resolution No. 3.

Also, House bill No. 111.

Also, House bill No. 40.

Also, House bill No. 380.

Also, House bill No. 93, to increase the pay of witnesses.

Also, House memorial No. 16; and have instructed me to report the same correctly enrolled.

J. S. TRIMBLE,
Chairman.

Mr. Mecklin called up House bill No. 318, to be entitled an act for the relief of Jacob Hengz.

Read first time.

On motion of Mr. Clark, the rules were suspended, and the bill read the second time, by title, and

On his further motion, the rules were again suspended, the bill read the third time by title, and passed.

Mr. McColloch called up Senate bill No. 48, to be entitled "an act to aid in the construction of the Mississippi, Ouachita and Red river railroad," which was subject to amendment.

Mr. Jones offered an additional section, to-wit:

Sec. — That the provisions of this act shall be extended to Prairie and St. Francis counties, and if the qualified voters in said counties, shall decide to take stock in any railroad passing through said counties, the county court of said counties may take stock in accordance therewith, and levy a tax not exceeding one fourth of one per centum, to pay interest and principal on said stock.

The judge of any of the county courts taking stock in any railroad, shall be a director in the same.

Mr. McCreery moved to lay the amendment on the table, and

Mr. Terry moved the previous question, which was sustained.

Mr. Askew then called for the yeas and nays on the motion to lay the amendment on the table.

Sustained, and ordered.

Yeas—Messrs. Askew, Craighead, Davies, Douglas, Gould, Marshall, McCreery, Mecklin, Redmond and Watkins—10.

Nays—Messrs. Carrigan, Clark, Floyd, Gaines, Hammond, Jones, McColloch, Pennington, Terry, Trimble, and Mr. President—11.

So the amendment was not laid upon the table.

Mr. Askew moved its adoption, and

Mr. Terry moved the previous question, which was sustained.

Mr. Gaines then called for the yeas and nays on the adoption of the amendment.

Sustained and ordered.

Yeas—Messrs. Carrigan, Clark, Floyd, Gaines, Hammond, Jones, McColloch, Pennington, Terry, Trimble and Mr. President—11.

Nays—Messrs. Askew, Craighead, Davies, Douglas, Gould, Marshall, McCreery, Mecklin Redmond and Watkins—10.

So the amendment was adopted.

Mr. Gaines offered to amend the first section of the bill, by inserting after the word " required," in the 5th line, the following:

" To issue under his hand and official seal an order to the sheriff of said county, to notify each qualified justice of the peace of Drew county, that a special term of the county court will be held on a certain day, to be named in said notice for the purpose of considering the propriety of ordering an election for the purposes hereinafter provided—said notices to be served at least 10 days before the day fixed for the meeting of said court, and a majority of all the qualified justices of said county shall constitute a quorum to order an election by the people, as herein provided.

Which amendment was read, and on motion of Mr. Watkins, adopted.

Mr. Askew offered to amend the bill further by an additional section, viz:

Sec. — *And be it further enacted,* That the election provided for by this act shall be *viva voce*, and those only who vote for the tax shall be taxed to pay it, and all those who vote against levying the tax shall be exempted from the operations of this act.

Mr. Craighead moved the indefinite postponement of the bill and amendments.

Mr. Carrigan moved the previous question thereon, which was sustained, and

Mr. Floyd called for the yeas and nays on the indefinite postponement of the bill and amendments.

Sustained and ordered:

Yeas—Messrs. Askew, Carrigan, Craighead, Davies, Douglas, Gould, Marshall, McCreery, Mecklin and Redmond—10.

Nays—Messrs. Clark, Floyd, Gaines, Hammond, Jones, Mccolloch, Pennington, Stirman, Terry, Trimble, Watkins and Mr. President—12.

So the motion was lost, and

On motion of Mr. Clark, the bill and amendments were laid upon the table for the present.

The following message was received from the House of Representatives, by their clerk:

Mr. President—

I am instructed to inform your honorable body that the House of Representatives have assented to Senate bill No. 108, entitled " an act to provide for the further prosecution of the geological, mineralogical and chemical survey of the State of Arkansas, in connection with an agricultural and botanical survey of said state."

Said bill is herewith returned.

S. M. SCOTT, *Clerk of*
House of Representatives.

Mr. Trimble, from the committee on enrollments, made the following

REPORT:

Mr. President—

The committee on enrollments did on the 19th inst., hand to the governor for his approval, Senate bill No. 151, to incorporate the trustees of the female academy of St. Catharine.

Also, Senate bill No. 154, to change the line between Hot Spring and Saline counties.

Also, Senate bill No. 45.

Also, Senate bill No. 148, to arrange the senatorial districts, and to apportion representatives to the General Assembly among the counties.

Also, House joint resolution No. 6.

Also, House joint resolution No. 48.

Also, House joint resolution No. 29.

Also, House joint resolution No. 8.

Also, House joint resolution No. 3.

Also, House joint resolution No. 11.

Also, House joint resolution, No. 23.

Also, House joint resolution No. 18.

Also, House joint resolution No. 16.

Also, House joint resolution No. 41.

Also, House joint resolution No. 42.

Also, House joint resolution No. 3.

Also, House bill No. 111.

Also, House bill No. 40.

Also, House bill No. 380.

Also, House bill No. 93, to increase the pay of witnesses.

Also, House memorial No. 16; and have instructed me to report the same.

J. S. TRIMBLE,
Chairman.

Mr. Pennington called up House bill No. 352, to be entitled "an act to legalize the sale of section 16, in T. 8 S. R. 21 west."

Read first time.

On motion of Mr. Pennington, the rules were twice suspended, the bill read the second and third times, by title, and passed.

Mr. Redmond called up House bill No. 384, to be entitled "an act further to amend the charter of the city of Helena."

Read first time.

On motion of Mr. Redmond, the rules were twice suspended, the bill read the second and third times, by title, and passed.

Mr. Stirman called up the amendments of the House to Senate bill No. 69, to be entitled "an act to change the name of

Purdy Ann Parker, Martha Jane Parker, Calvin Parker, Augustine H. Parker and Samuel Jasper Beck Parker, of Yell county.

Which were read, and

On motion of Mr. Clark, the Senate refused to concur therein.

Mr. Terry called up House bill No. 187, to be entitled " an act for the relief of William C. Hazen, of Prairie county."

Read first time.

On motion of Mr. Floyd, the rules were twice suspended, the bill read the second and third times, by title, and passed.

Mr. Trimble called up House bill No. 366, to be entitled "an act to take the sense of the qualified voters of this state for and against a call of a state convention to modify and reform the present constitution of this state."

Read first time.

Mr. Davies moved to suspend the rules for the second reading of the bill; which motion was lost, and the bill took its place.

Mr. Watkins called up House joint resolution No. 50, proposing to amend the constitution, so that the qualified voters of this state can elect a secretary of state, treasurer, auditor and attorney general, and the yeas and nays were ordered on the third reading of the same.

YEAS—Messrs. Clark, Davies, Douglas, Floyd, Gaines, Gould, Hammond, Jones, Marshall, McCreery, McColloch, Pennington, Redmond, Stirman, Trimble, Watkins and Mr. President—17.

NAYS—Messrs. Askew, Carrigan, Craighead, andMecklin—4.

So the amendments passed the third reading under the two-thirds rule, and were ordered to be returned to the House.

On motion of Mr. Floyd, the Senate took a recess until 7 o'clock, p. m.

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7 O'CLOCK. P. M.

The Senate met.

The journal of Thursday was read, approved and signed.

Message from the House of Representatives by their clerk:

MR. PRESIDENT—

I am instructed to inform your honorable body that the House of Representatives have adopted House joint resolution No. 72, relative to a wagon road from Ft. Smith to Alburquerque.

Said joint resolution is herewith transmitted for the assent of your honorable body, which is respectfully asked.

S. M. SCOTT, *Clerk of*
House of Representatives.

Mr. Carrigan called up House bill No. 114, to be entitled "an act for the relief of Anthony W. Cole, sheriff and collector of Sevier county.

Read first time.

On motion of Mr. Carrigan, the rules were twice suspended, the bill read the second and third times, by title, and passed.

M . Clark called up House bill No. 337, to be entitled "an act to provide for the building of bridges in Sebastian county.

Read first time.

On motion of Mr. Clark, the rules were twice suspended, the bill read the second and third times, by title, and passed.

Mr. Craighead, from the committee on swamp and overflowed lands, made the following

REPORT:

Mr. President—

The committee on swamp and overflowed lands to whom was referred House bill No. 401, to be entitled " an act for the relief of A. L. Huggins," have considered the same and instruct me to report it back and recommend its passage.

HAMMOND,
Chairman.

Which report was read and received, and the bill was read the third time and passed.

Mr. Davies called up House joint resolution No. 70, relative to the remains of Joseph J. Anthony, deceased.

Read first time.

On motion of Mr. Davies, the rules were twice suspended, the resolution read the second and third times, and concurred in by the Senate.

Mr. Douglas called up House Bill No. 162, to be entitled "an act to enable the land agents to issue certificates in certain cases, and for other purposes."

Read first time.

On motion of Mr. Davies the rules were twice suspended, the bill read the second and third times, by title, and passed.

Mr. Floyd presented the following

REPORT:

Mr. President—

The committee on swamp and overflowed lands to whom was referred House bill No. 363, to be entitled "an act for the relief of E. H. Fletcher, have considered the same, and instructed me to report it back and recommend its passage.

HAMMOND,
Chairman.

Which report was read and received.

On motion of Mr. Hammond, the bill was read the third time and passed.

Mr. President called up House joint resolution No. 56, to have the city of Napoleon declared a port of entry.

Which was read and concurred in.

Mr. Gaines called up Senate joint resolution No. 27, asking the consent of Congress for the State of Arkansas, to enter into any compact or agreement with certain other states relative to making cut-offs on the Mississippi river.

The question being on the adoption of the resolution, Mr. Gaines called for the yeas and nays thereon.

Sustained and ordered:

Yeas—Messrs. Floyd, Gaines, and Mecklin—3.

Nays—Messrs. Askew, Carrigan, Clark, Craighead, Davies, Douglas, Hammond, Jones, Marshall, McCreery, Pennington, Redmond, Trimble, Watkins and Mr. President—15.

So the resolution was not adopted.

Mr. Gould, for Mr. Carrigan, called up House bill No. 358, to be entitled "an act for the relief of the heirs and legal representatives of Richard Y. Merchant, deceased, late of Lafayette county, in the State of Arkansas, and for other purposes."

Read first time.

On motion of Mr. Carrigan, the rules were twice suspended, the bill read the second and third times, by title, and passed.

Mr. Hammond called up House bill No. 374, to be entitled "an act to authorize Nancy J. Langley, of Saline county, to sell certain lands."

Read first time.

On motion of Mr. Hammond, the rules were twice suspended, the bill read the second and third times, by title, and the question being taken on its passage, the same was lost.

Mr. Jones called up House bill No. 317, to be entitled "an act to amend an act entitled 'an act to authorize the county courts of Jackson, Crawford, Pope, Lafayette, Phillips, Crittenden, Monroe, Columbia and Pulaski counties to levy a road tax, and for other purposes, approved 19th January, 1855,' so far as Phillips county is concerned."

Read first time.

On motion of Mr. Jones, the rules were twice suspended, the bill read the second and third times, by title, and passed.

Mr. Marshall called up House joint resolution No. 72, relative to a wagon road from Fort Smith to Albuquerque.

Which was read, and on motion of Mr. Clark, concurred in by the Senate.

The following message was received from the Governor:

Mr. President—

I am instructed by the governor to report to the Senate of the General Assembly of the State of Arkansas, that on the 19th February, 1859, he approved and signed "an act for the relief of Felix G. Gardenhire, Robert L. Mitchell, George W. Stokes and Stephen L. Bush, of the county of Lawrence."

"An act to incorporate the Trustees of the Female Academy of St. Catharine, Helena, Arkansas."

"An act to change the line between Hot Spring and Saline counties."

"An act to arrange the senatorial districts, and to apportion representatives to the General Assembly, among the counties;" and

"An act to establish the county of Craighead."

A H. RUTHERFORD,
Acting Private Secretary.

No. 38, Mr. McCreery called up amended Senate bill, to be entitled "an act for the relief of D. W. Carroll, late state land agent of the Pine Bluff district, Garlen Silvey, late state land agent of the Jacksonport district, Charles E. Tobey, late state land agent of the Dardanelle district, and B. F. Hempstead, late state land agent of the Washington district.

Which was read the third time and passed.

Mr. McColloch presented the following

REPORT:

Mr. President—

The select committee, to whom was referred the joint resolution and Senate bill No. 227, concerning the archives of the surveyor-general's office of Arkansas, have considered the same, and report the bill back to the Senate, and recommend its passage; if the Senate think the fees named in the bill too much, the committee have no objection to reducing them.

HAMMOND,
Chairman.

Which report was read and received.

On motion of Mr. Gould, the price, designated in section 6, for making township plats, was reduced from $3, to $1 50, and the price for each official certificate from one dollar to fifty cents.

On motion of Mr. McColloch, the bill was then read the third time, by title, and passed.

Mr. Mecklin called up House bill No. 344, to be entitled "an act to amend the common school system, and for other purposes."

Read first time.

On motion of Mr. Mecklin, the rules were twice suspended, the bill read the second and third times, by title, and passed.

Mr. Pennington called up House bill No. 293, to be entitled "an act in relation to wills."

Read first time.

Mr. Gould moved to reject the bill.

Which motion was lost.

On motion of Mr. Pennington, the rules were suspended, and the bill read the second time, by title.

Mr. McColloch moved its indefinite postponement.

Which motion was also lost, and

On motion of Mr. Floyd, the bill was ordered to take its place under the rules.

Mr. Redmond called up House bill No. 268, to be entitled "an act more effectually to prevent the selling of intoxicating liquors to slaves."

Read first time.

On motion of Mr. Redmond, the rules were suspended, the bill read the second time, by title, and

On motion of Mr. Pennington, the rules were further suspended, the bill read the third time, by title, and passed.

Mr. Floyd was called to the chair.

Mr. Terry called up House bill No. 140, to be entitled "an act to extend the boundaries of the city of Little Rock."

Read first time.

On motion of Mr. Terry, the rules were twice suspended, the bill read the second and third times, by title, and passed.

Mr. Trimble called up House bill No. 369, to be entitled "an act to refund taxes in certain cases."

Read first time.

On motion of Mr. Askew the bill was rejected.

Mr. Watkins called up House bill No. 231, to be entitled "an act amendatory of section 146, of chapter 4, of Gould's Digest of the Statutes of Arkansas."

Read first time.

On motion of Mr. Watkins, the rules were suspended, the bill read the second time, by title, and

On motion of Mr. McColloch, it was rejected.

Mr. Askew called up House bill No. 389, to be entitled "an act to change the name of Francis Marion Avera, to that of Francis Marion Madera, and make him a lawful heir of Augustus Madera, of Union county."

Read first time.

On motion of Mr. Gould, the rules were suspended, the bill read the second time, by title, and

On motion of Mr. Hammond, the rules were further suspended, the bill read the third time, by title, and passed.

Mr. Clark called up House bill No. 346, to be entitled "an act to grant a charter to Hiram Brodie to build a turnpike road from Van Buren, Crawford county, to Fayetteville, Washington county."

Read the first time.

On motion of Mr. Clark, the rules were twice suspended the bill read the second and third times, by title, and passed.

Mr. Terry offered the following

RESOLUTION:

Resolved, That the thanks of the Senate are hereby unanimously tendered the Hon. Thomas Fletcher, President, for the dignified, able, and impartial manner in which he has presided over the deliberations of this body.

Which was read and unanimously adopted.

Mr. Hammond offered the following

RESOLUTION:

Resolved, That the thanks of the Senate are hereby unanimously tendered the secretary and assistant secretary for the efficient manner in which they have performed the duties assigned them.

Which was read and adopted.

Mr. Hammond, also, offered the following

RESOLUTION:

Resolved, That the sum of one hundred dollars be allowed the secretary and assistant secretary of the Senate to reimburse them for money paid out for assistance in keeping up the journal of proceedings, before the Senate authorized the employment of an additional assistant secretary; and that the President of the Senate certify their account for said sum.

Which was read, and on motion of Mr. Terry, adopted.

Mr. McColloch called up House bill No. 325, to be entitled "an act to incorporate the President and Trustees of the Mountain Home Male and Female Academy."

Read the first time,

On his motion, the rules were suspended, and the bill read the second time, by title.

On motion of Mr. Davies, the rules were again suspended, the bill read the third time, by title, and passed.

Mr. Askew offered the following

RESOLUTION:

Resolved, That the thanks of the Senate are due, and are hereby tendered, to Joe Jester, our very clever and efficient *sergeant-at-arms*, for the faithful and gentlemanly manner in which he has performed the duties of his office.

Which was read and adopted.

Mr. Carrigan called up House bill No. 375, to be entitled "an act for the relief of J. W. Williams, of Hempstead county."

Read the first time.

On motion of Mr. Carrigan, the rules were twice suspended, and the bill read the second and third times, by title, and passed.

Mr. Watkins offered the following

RESOLUTION:

Resolved, That the thanks of this body are hereby tendered the editors of the True Democrat for furnishing this body their paper gratuitously, during the session of this General Assembly.

Which was read and unanimously adopted.

On motion of Mr. Terry, the Senate adjourned until 10 o'clock Monday morning.

THOS. FLETCHER,
President.

MONDAY, *February* 21*st*, 1859.

The Senate met pursuant to adjournment.

Prayer by the chaplain.

Roll called.

PRESENT—Messrs. Askew, Carrigan, Clark, Davies, Douglas, Floyd, Gaines, Gould, Hammond, Jones, Marshall, McCreery, McColloch, Mecklin, Pennington, Redmond, Stirman, Terry, Trimble, Watkins and Mr. President—21.

The journal of Friday and Saturday was read, approved and signed.

Mr. Floyd offered the following

RESOLUTION:

Resolved, That the secretary of the Senate be required to send to the members of the Senate, the number of the bound report of the Geological Survey, which each is entitled to, by mail or otherwise; and the expenses incurred, to be paid out of the contingent fund, upon the certificate of said secretary.

Which was read and adopted.

The following messages were received from the governor:

EXECUTIVE OFFICE,
Little Rock, Arkansas,
21st February, 1859.

To the President of the Senate of the
General Assembly of the State of Arkansas:

I herewith return for reconsideration, a bill to be entitled "an act to change the time of electing representatives in Congress." If this bill could stand and operate as a law, it would deprive the people of the State of Arkansas of all representation for about eight months at the beginning of *every* *term* of two years, for which representatives to Congress ought, under the constitution, to be chosen. This bill also provides that the next election of representatives shall be held *three years and two months after the last election* of our representatives to Congress; whilst the constitution of the United States, in article one, section two, provides that, "the House of Representatives shall be composed of members *chosen every second year;* and to place it beyond the constitutional power of a state legislature to deprive the people of a state of their representation, the constitution of the United States, in article one, section two, also provides, that "when vacancies happen in the representation of any state, the executive authority thereof shall issue writs of election to fill such vacancies." Our law as it stands, does not violate either of these provisions of the constitution of the United States; but was so enacted as to accord with them, and instead of being framed in such a manner as to deprive the people of the State of Arkansas of all representation for any stated time, was made expressly to guarantee to them, as far as possible, at *all times*, their full complement of representatives. For, notwithstanding, the constitution provides, as above quoted, that "when vacancies happen in the representation of any state, the executive authority thereof *shall issue writs of election to fill such vacancies*," to make this important obligation upon the governor of Arkansas, if possible, *still more imperative*, our law, in chapter, sixty-two, section 82 of Gould's Digest, provides, that "when any vacancy shall happen in the office of member of Congress from this state, by *death*, *resignation*, *removal*, *or otherwise*, *it shall be the duty of the governor*, *by proclamation*, *to order the sheriffs of the several counties to order an election to be held*, *on a certain day*, *to be named in such proclamation*, *to supply such vacancy;* and such election shall be conducted in the same manner, and returns thereof made as herein prescribed for general elections."

I can neither approve nor sign the bill, which I return, for it is, to my mind, clearly in violation of the constitution of the United States, and in violation of rights guarantied by that constitution to the people of the State of Arkansas.

ELIAS N. CONWAY.

Mr. President—

I am instructed by the governor, to report to the Senate of the General Assembly of the State of Arkansas, that on the 21st February, 1859, he approved and signed "an act to change the time of holding the circuit courts of Poinsett and St. Francis counties, in the first judicial dirtrict."

"An act to constitute Loumis A. Humphries, of White county, in this state, the legal heir of John B. Humphries, of said county."

"An act to amend the election laws of this state."

"An act to provide for tne further prosecution of the geological, mineralogical and chemical survey of the State of Arkansas, in connection with an agricultural and botanical survey of said state."

"An act to amend chapter 56, of the Digest of 1858, under the head of Descents and Distributions."

"An act to repeal the road tax law in Hempstead and Lafayette counties."

"An act to amend section seven, chapter one hundred and forty-seven, and section fifty-one, chapter one hundred and forty-eight, of the Digest of 1858."

"An act to amend chapter 25 of the Digest of 1858, under the head of Bills of Exchange."

"An act for the relief of certain purchasers of land from the state."

"An act declaring L'Anguille river and the Bayou Mason navigable streams."

"An act to change the name of Sealy Parmelee Riddle to Zarrow Virginia Douthet."

"An act to allow widows dower in choses in action.

And "an act to amend an act to incorporate the town of Pocahontas, in the county of Randolph, State of Arkansas," approved 15th January, 1857.

A. H. RUTHERFORD,
Acting Private Secretary.

The following message was received from the House of Representatives by their clerk:

Mr. President—

I am instructed to inform your honorable body that the House of Representatives have assented to the following Senate bills, to-wit:

No. 200, to be entitled "an act to authorize the common school commissioner of Carroll county, to sell, for what it will bring, the 16th section, in township 17 north, range 19 west, in Carroll county.

No. 194, entitled "an act for the relief of George W. Wil-Williams, of Yell county."

No. 165, entitled "an act for the relief of Dogan, Duke & Co."

No. 71, entitled "an act for the relief of George T. Youcum and John Youcum, of Greene county."

No. 203, entitled "an act to hasten the reclamation of swamp and overflowed lands, and the construction of levees for their reclamation."

Said bills are herewith returned.

The House of Representatives have concurred in Senate resolution No. 30, to appropriate to George & Robins for extra work on the penitentiary building.

Said resolution is herewith returned.

The House of Representatives have concurred in the amendment of the Senate to House bill No 396, to be entitled "an act to provide for the election of tax assessor in Arkansas county."

Also, House bill No. 382, entitled "an act authorizing the county court of St. Francis county to levy a road tax."

S. M. SCOTT, *Clerk of*
House of Reprcsentatives.

Mr. Gaines offered the following joint

RESOLUTION:

Resolved by the General Assembly of the State of Arkansas, That a joint committee of one from the Senate, and two from the House, be appointed to wait on the governor, and inform him that the General Assembly will abjourn *sine die,* on this day, at 6 o'clock, p. m., and ask respectfully, if he has any further communication to make to them.

Which was read and adopted.

Mr. President appointed Mr. Gaines as such committee on the part of the Senate.

Mr. Watkins offered the following

RESOLUTION:

Resolved, That the thanks of the Senate are hereby tendered the Rev. A. H. Kennedy, chaplain, for the prompt and courteous manner in which he has performed his duty as such chaplain.

Which was read and unanimously adopted.

Mr. Hammond, from the committee on swamp and overflowed lands, made the following

REPORT:

Mr. President—

The committee on swamp and overflowed lands, to whom was referred House bill No. 398, "for the relief of H. E. Clark," have had the same under consideration, and a majority of a quorum have instructed me to report the same back and recommend its passage. Your committee have not had time to make as thorough examination as they wished, and have been governed, to some extent, by the report of the committee in the House, who made a more complete examination, and a lengthy and unanimous report in favor of its passage, and it passed the House with little or no opposition.

HAMMOND,
Chairman.

Which report was read and received.

Mr. Davies moved the indefinite postponement of the bill.

On which motion Mr. Floyd called for the yeas and nays.

Sustained, and ordered:

YEAS—Messrs. Carrigan, Clark, Davies, Douglas, Gaines, Gould, McCreery, McColloch, Trimble and Watkins—10.

NAYS—Messrs Askew, Craighead, Floyd, Hammond, Jones, Mecklin, Redmond, Stirman, Terry and Mr. President—10.

So the motion was lost.

On motion of Mr. McCreery, a call of the Senate was made, when it appeared that Mr. Marshall was absent without leave.

On motion of Floyd, the call was suspended; whereupon, he moved to read the bill the third time.

On which motion, Mr. Trimble called for the yeas and nays.

Sustained and ordered.

YEAS—Messrs. Askew, Craighead, Floyd, Hammond, Jones, Mecklin, Pennington, Redmond, Stirman, Terry and Mr. President—11.

NAYS—Messrs. Carrigan, Clark, Davies, Douglas, Gaines, Gould, McCreery, McColloch, Trimble and Watkins—10.

So the bill was read the third time, when

Mr. Davies called for the yeas and nays on its passage.

Call sustained and ordered.

YEAS—Messrs. Askew, Craighead, Floyd, Hammond, Jones, McColloch, Mecklin, Pennington, Redmond, Stirman, Terry and Mr. President—12.

NAYS—Messrs. Carrigan, Clark, Davies, Douglas, Gaines, Gould, McCreery, Trimble and Watkins—9.

So the bill passed.

Mr. Trimble, from the committee on enrollments, made the following

REPORT:

Mr. PRESIDENT—

The committee on enrollments have examined House bill No. 381.

Also, House bill No. 187.
Also, House bill No. 353.
Also, House bill No. 378.
Also, House bill No. 254.
Also, House bill No. 384.
Also, House joint resolution No. 50.
Also, House bill No. 352.
Also, House bill No. 349.
Also, House bill No. 325.
Also, House bill No. 130.
Also, House bill No. 285.
Also, House bill No. 318.

Also, House bill No. 132.
Also, House bill No. 80.
Also, House bill No. 314.
Also, House bill No. 330.
Also, House bill No. 210.
Also, House bill No. 379.
Also, House bill No. 372.
Also, House bill No. 339.
Also, House bill No. 230.
Also, House bill No. 232.
Also, House bill No. 331.
Also, House bill No. 20.

Also, an act making appropriations for the years 1858 and 1859; and have instructed me to report the same correctly enrolled.

J. S. TRIMBLE,
Chairman.

Mr. Trimble, from the committee on enrollments, made the following

REPORT:

Mr. PRESIDENT—

The committee on enrollments did, on this day, hand to the Governor for his approval, House bill No. 381.

Also, House bill No. 187.
Also, Honse bill No. 353.
Also, House bill No. 378.
Also, House bill No. 254.
Also, House bill No. 384.
Also, House joint resolution No. 50.
Also, House bill No. 352.
Also, House bill No. 349.
Also, House bill No. 325.
Also, House bill No. 130.
Also, House bill No. 285.
Also, House bill No. 318.
Also, House bill No. 132.
Also, House bill No. 80.
Also, House bill No. 314.
Also, House bill No. 330.
Also, House bill No. 210.
Also, House bill No. 379.
Also, House bill No. 372.
Also, House bill No. 339.
Also, House bill No. 230.
Also, House bill No. 232.
Also, House bill No. 331.
Also, House bill No. 20.

Also, an act making appropriations for the years 1858 and 1859; and have instructed me to report the same.

J. S. TRIMBLE,
Chairman.

The following message was received from the House of Representatives by the clerk:

Mr. President—

I am instructed to inform your honorable body that the House of Representatives have rejected Senate bill No. 226, to be entitled "an act to aid the Memphis and Little Rock, and the Mississippi, Ouachita and Red river railroad companies."

Said bill is herewith returned.

S. M. SCOTT, *Clerk of*
House of Representatives.

On motion of Mr. Floyd, the Senate took a recess until 3 o'clock, p. m.

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3 O'CLOCK, P. M.

The Senate met.

Mr. Trimble from the committee on enrollments, made the following

REPORT:

Mr. President—

The committee on enrollments have examined Senate bill No. 186.

Also, substitute Senate bill No. 150.
Also, Senate bill No. 152.
Also, Senate bill No. 182.
Also, Senate bill No. 120.
Also, House bill No. 401.
Also, House bill No. 396.
Also, Senate bill No. 125.
Also, Senate bill No. 200.
Also, Senate joint resolution No. 30.
Also. House bill No. 382.
Also, House bill No. 398.
Also, substitute Senate bill No. 194.
Also, substitute Senate bill No. 165.
Also, Senate bill No. 71.
Also, Senate bill No. 203; and have instructed me to report the same correctly enrolled.

J. S. TRIMBLE,
Chairman.

The following message was received from the Governor:

Mr. President—

I am instructed by the governor to report to the Senate of the General Assembly of the State of Arkansas, that on the 21st February, 1859, he approved and signed "an act to incorporate the Jefferson Female College."

"An act for the incorporation of the town of Wittsburg."

"An act to incorporate the White Sulpher Springs Female High School."

"An act to incorporate the Phi Kappa Sigma PKE College."

"An act to prevent captains and owners of steamboats, navigating any of the waters of this State, from employing free negroes on their boats."

"An act to authorize the common school commissioner of Carroll county, to sell for what it will bring the sixteenth section in township 17, north of range 19 west, in Carroll county, Arkansas."

"An act for the relief of Dogan, Duke & Co."

"An act for the relief of George T. Youcum and John Youcum, of Greene county."

"An act for the relief of George Williams of Yell county."

"An act to incorporate the town of Gainesville in the county of Greene."

"An act to incorporate the city of Fayetteville."

Also a joint resolution making an appropriation to pay Alexander George and John Robins as contractors for keeping the penitentiary.

A. H. RUTHERFORD,
Acting Private Secretary.

Mr. Trimble from the committee on enrollments made the following

REPORT:

Mr. President—

The committee on enrollment did on this day, hand to the governor for his approval, Senate bill No. 186.

Also, substitute Senate bill No 150.

Also, Senate bill No. 152.

Also, Senate bill No. 182.

Also, Senate bill No. 120.

Also, House bill No. 401.

Also, House bill No. 396.

Also, Senate bill No. 125.

Also, Senate bill No. 200.

Also, Senate joint resolution No. 30.

Also, House bill No. 382.

Also, House bill No. 398.

Also, substitute Senate bill No. 194.

Also, substitute Senate bill No. 165.
Also, House bill No. 398.
Also, Senate bill No. 71.
Also, Senate bill No. 203, and have instructed me to report the same.

J. S. TRIMBLE,
Chairman.

On motion of Mr. Clark House bill No. 392, to be entitled "an act supplementary to an act entitled an act to repeal in part an act to authorize the counties of Jackson, Crawford, Pope, Lafayette, Phillips, Crittenden, Monroe, Columbia and Pulaski to levy a road tax and for other purposes passed at the present session of the general assembly," was taken up and read the first time.

On his further motion, the rules were twice suspended the bill read the second and third times, by title, and passed.

Message from the House of Representatives by the clerk:

Mr. President—

I am instructed to inform your honorable body that the House of Representatives have concurred in Senate amendment to House bill No. 347, entitled "an act fixing an annual salary for the county and probate judges of Crittenden and St. Francis counties and for other purposes.

Also, to Senate amendment to House bill No. 174, entitled "an act framed by the general assembly of the State of Arkansas, approved, January 7, 1857, entitled "an act to provide for raising and repairing levees in Chicot county."

The House of Representatives have concurred in Senate joint resolution to appoint a committee to wait on the governor and inform him that the two houses will adjourn *sine die* on this day at 6 o'clock. House committee Messrs. Carroll and Hill.

The House of Representatives have concurred in Senate joint resolution relative to B. H. Smithson's per diem and mileage.

Said resolutions are herewith returned.

S. M. SCOTT, *Clerk of*
House of Representatives.

On motion of Mr. Gaines the Senate took a recess until 5½ o'clock p. m.

5½ O'CLOCK, P. M.

The Senate was called to order.

Mr. Gaines from the joint select committee appointed to wait on His Excellency, the governor, to inform him of the intended adjournment *sine die* of the general assembly reported verbally that His Excellency informed the committee that he knew of no reason to prevent them from adjourning at the hour designated.

The report was received.

The following message was received from the governor:

Mr. President—

I am instructed by the governor to report to the Senate of the General Assembly of the State of Arkansas, that on the 21st February, 1859, he approved, and signed "an act to incorporate the town of Centre Point in the county of Sevier."

And "an act to hasten the sale of swamp and overflowed lands and the construction of levees for their reclamation."

A. H. RUTHERFORD,
Acting Private Secretary.

On motion of Mr. Redmond the Senate took a recess until 8 o'clock, p. m.

8 o'clock, p. m.

The Senate met.

Mr. Trimble from the committee on enrollments made the following

REPORT:

Mr. President—

The committee on enrollments have examined House bill No. 347.

Alo, House bill No. 174.

Also Senate joint resolution No. 29.

And also, House bill No. 392; and instruct me to report the same correctly enrolled. The committee have also presented said three bills and joint resolution to the governor for his approval, and I am instructed to report the same.

J. S. TRIMBLE,
Chairman.

The following messages were received from the Governor:

Mr. President—

I am instructed by the governor to report to the Senate of the general assembly of the State of Arkansas, that on the 21st February, 1859, he approved, and signed a joint resolution allowing the widow of the late Hon. B. H. Smithson to draw the mileage and per diem due him from the State up to the time his successor took his seat, and authorizing Hon. R. W. Mecklin to draw the same and transmit it to Mrs. Smithson."

A. H. RUTHERFORD,
Acting Private Secretary.

EXECUTIVE OFFICE,
Little Rock, Arkansas,
February 21, 1859.

To the President of the Senate of the
General Assembly of the State of Arkansas:

If the General Assembly has nothing more to lay before the Governor I know of no reason why it may not adjourn as soon as it may please to do so.

In my message of the 3rd of November last I stated that "the large amount of levee work now under contract and being vigorously costructed, will add so much to the business of the governor this fall and winter, that it will not be possible for him to accomplish all of it, and, at the same time give proper consideration and attention to the other important duties which devolve upon him," and I appealed to the General Assembly to relieve the governor from the immense extra labor imposed on him by the swamp land laws.

It has been only by incessant application by day and often by night till one and two o'clock that I have been able to keep all of the business up; and contrary to my expectations I have kept the business all up and permitted nothing entrusted to me to suffer to the prejudice of the public interests.

But I have been deprived by my incessant labors from taking the least recreation; and from mingling with the members of the General Assembly; and indeed from becoming personally acquainted with some few of the members. I have no idea that one third of the members have a full knowledge of the immense labors imposed by the present laws upon the governor as extra duties. If these matters be taken into consideration every member will fully understand why the governor is seldom found out of his office during the session of the General Assembly. It is to cause some reflection on this subject that I allude to it; and here make an appeal in behalf of my successor and ask that he (whoever he shall be) may not have as much labor of an extra nature to perform as devolves on me as governor. But you may be assured that if my health does not fail every official duty imposed shall be discharged as far as possible in a manner to promote the interests of the State.

With my best wishes for the health and happiness of every member of the General Assembly, I close this parting message.

ELIAS N. CONWAY.

On motion of the Mr. Redmond the Secretary of the Senate was instructed to inform the House of Representatives that the Senate are now ready to adjourn *sine die.*

Message from the House of Representatives by their clerk:

Mr. President--

I am instructed to inform your honorable body that the House of Representatives have completed their business of the present General Assembly of the State of Arkansas and are now ready to adjourn *sine die* by virtue of the joint resolution of the two Houses adopted for that purpose.

S. M. SCOTT, *Clerk of*
House of Representatives.

Mr. President Fletcher before adjourning the Senate *sine die* arose from his chair and made the following remarks:

Gentlemen of the Senate:

It is with emotions of pleasure, mingled with regret, that I arise on the eve of our separation, to return you my profound acknowledgments for the compliment bestowed upon me. I have labored zealously and faithfully to perform the responsible and delicate duties assigned me by your partiality; and it is a source of deep gratification to learn, that my efforts have received the unanimous approval of such a discriminating and intelligent body. Without experience in any legislative assembly or conversant with the rules essential to conduct it with propriety and decorum, I threw myself upon your *generous* confidence, and to THAT I attribute your flattering encomiums, *more* than to any ability on my part. If I have erred it has not sprung from passion or prejudice, or a vain desire to exercise the power incident to office, and while I have firmly maintained the rules, have not oppressed the minority. If I have wounded the feelings of any one, I can assure him in all candor, that it was without design, and I am unconscious of it. While I have studiously endeavored to interpret the rules of order without regard to persons or party, I am free to confess that I have ever been reluctant to enforce them so rigidly, as to stifle a full and free discussion on questions of vital importance to our common constituency, in a body where every member is a gentleman, and not a few venerable in years, and distinguished in the political annals of their country. But our labor is now near its close, and those who have been intimately associated for months in the public service must be separated, and perhaps forever. The link that has bound us together must be severed, and though we may never meet again, the recollection of our joint services, and the pleasant social relations that have ripened into warm friendship, will ever be treasured in our memories! In a few days you will be welcomed with joy in the bosom of the domestic circle, who have watched with solicitude your return. May there be no void in that circle since your departure, and may the desolate heart of one whose companion now sleeps with the dead, and who was our companion, be consoled with the reflection, that he was kind and devoted, liberal, and patriotic, and beloved by every member of the Senate. May the greetings of your constituents be cordial, and your efforts to promote their interest, at such great sacrifice, meet with their approbation. That you have labored long and zealously, solely animated by patriotic motives, I can bear my humble testimony, and I trust your acts will redound to the glory of our common country. Your public services must tend to advance the prosperity of the State, and give such an impulse to immigration and consequent increase in wealth and population, as to insure to Arkansas a high and proud position among her sister States of the Union! Returning you again my thanks for the honor bestowed upon me, and my acknowledgments for your too flattering testimony of the manner in which the duties of the office have been discharged, *I now bid you adieu* and hope in mingling once more among the people who elevated you, *all* will be received with opened arms and warm hearts, and with the exclamation upon every lip, "*Well done thou good and faithful servant!*"

On motion of Mr. Redmond the president of the Senate announced, that, by virtue of a joint resolution heretofore adopted by the two Houses, the Senate stood adjourned *sine die*.

THOS. FLETCHER,
President of the Senate.

ATTEST:
JOHN D. KIMBELL,
Secretary of the Senate.

LITTLE ROCK, ARKANSAS.

I, John D. Kimbell, Secretary of the Senate, do hereby certify that the foregoing is a true copy of the Journal of the Senate of the twelfth session of the General Assembly of Arkansas.

JOHN D. KIMBELL,
Secretary of the Senate.